

June 21, 1999

Carol N. Harner, C.P.S.  
Office Secretary  
Pennsylvania Licensed Beverage Association  
121 Pine Street  
Harrisburg, PA 17101-1209

Dear Ms. Harner:

**ISSUE:** This office is in receipt of your May 27, 1999 correspondence in which you request a legal opinion regarding whether a restaurant/tavern owner would be permitted to rent a van or small bus in order to carry patrons to his establishment and then back to their hotels or homes, as long as there is no charge to the patrons to do so.

**OPINION:** Section 493(24) of the Liquor Code makes it unlawful for any licensee to offer or give anything of value as a premium or present to induce directly the purchase of liquor or malt or brewed beverages, or for any licensee to offer or give to consumer buyers any prize, premium, gift or other inducement to purchase liquor or malt or brewed beverages. [47 P.S. Section 4-493(24)]. As long as the purchase of liquor or malt or brewed beverages is not required in order to participate in this service, then a restaurant/tavern owner providing a van or small bus to carry patrons to and from his or her establishment would be permissible.

Enclosed please find a copy of Liquor Code section 493(24) for your review. Please do not hesitate to contact this office if you have any further questions.

THIS OPINION APPLIES ONLY TO THE FACTUAL SITUATION DESCRIBED HEREIN AND DOES NOT INSULATE THE LICENSEE OR OTHERS FROM CONSEQUENCES OF CONDUCT OCCURRING PRIOR TO ITS ISSUANCE. THE PROPRIETY OF THE PROPOSED CONDUCT HAS BEEN ADDRESSED ONLY UNDER THE LIQUOR CODE AND REGULATIONS. THE LAWS AND POLICIES ON WHICH THIS OPINION IS BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE PENNSYLVANIA LIQUOR CONTROL BOARD.

Very truly yours,

FAITH S. DIEHL  
CHIEF COUNSEL

cc: Bureau of Liquor Control Enforcement,  
Pennsylvania State Police

Enclosure

Refer to: (717) 783-9454  
FAX: (717) 787-8820

LCB Advisory Opinion No. 99-217

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**SECTION 493. UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND BREWED BEVERAGES AND LICENSEES.**

The term '**licensee**,' when used in this section, shall mean those persons licensed under the provisions of Article IV, unless the context clearly indicates otherwise.

**It shall be unlawful -**

(24)**Things of value offered as inducement.** For any licensee under the provisions of this article, or the board or any manufacturer, or any employe or agent of a manufacturer, licensee or of the board, to offer to give anything of value or to solicit or receive anything of value as a premium for the return of caps, stoppers, corks, stamps or labels taken from any bottle, case, barrel or package containing liquor or malt or brewed beverage, or to offer or give or solicit or receive anything of value as a premium or present to induce directly the purchase of liquor or malt or brewed beverage, or for any licensee, manufacturer or other person to offer or give to trade or consumer buyers any **prize, premium, gift or other inducement to purchase** liquor or malt or brewed beverages, except advertising novelties of nominal value which the board shall define. This section shall not prevent any manufacturer or any agent of a manufacturer from offering only on licensed premises and honoring coupons which offer monetary rebates on purchases of wines and spirits through State Liquor Stores and purchases of malt or brewed beverages in accordance with conditions or regulations established by the board. Further, no manufacturer or any agent of a manufacturer shall honor any coupons without proof of purchase in the form of a sales slip or receipt attached to the coupons. This section shall not apply to the return of any monies specifically deposited for the return of the original container to the owners thereof.