

July 2, 1999

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Barbara Gilleran  
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Miller Brewing Company  
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P.O. Box 482  
Milwaukee, WI 53201-0482

**RE: Halloween Scratch Card**

Dear Ms. Gilleran:

ISSUE: This is in response to your inquiry of June 10, 1999 to Robert Kaskiel that was forwarded to this office in which you request an opinion as to the legality of conducting certain activities in Pennsylvania as described in the enclosed correspondence.

OPINION: This office has reviewed the proposed promotion (and accompanying point-of-sale materials) and determined that it comports with applicable liquor laws and regulations, specifically section 492(20)(i) and 493(20) of the Liquor Code [47 P.S. Sections 4-493(20)(i) and 4-493(24)], subject to the caveats listed below. Therefore, it is permissible to conduct such event(s) in the Commonwealth on the areas checked below:

- Retail licensed premises.
- Distributor licensed premises.
- Both retail and distributor licensed premises.
- Wine and spirits shoppes, subject to approval of the Bureau of Logistics.
- Manufacturers may not conduct contests or retail licensed premises [40 Pa. Code Section 5.32]. Distribution of game cards to consumers may not be conditional upon the purchase of an alcoholic beverage. [47 P.S. Section 4-493 (24)].

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  
Robert Kaskiel

LCB Advisory Opinion No. 99-239