

July 16, 1999

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Mary Lou Hogan
100 South Broad Street
Suite 1905
Philadelphia, PA 19110-1023

Dear Ms. Hogan:

ISSUE: In your July 13, 1999 fax, you inquired on behalf of the Malt Beverage Distributors Association as to the current dollar limits for point of sale items.

OPINION: Section 493(20)(i) authorizes the Board to make adjustments to the cost limitations of point of sale up to the limits set forth by the United States Bureau of Alcohol, Tobacco and Firearms as set forth in 27 C.F.R. 6.83. The current cost limits for point of sale as set forth in 27 C.F.R. 6.83 are three hundred dollars per brand of alcoholic product. The regulation does not set forth an additional per item limit and thus, the per item limit is also three hundred dollars. On July 12, 1999, the Board, pursuant to its authority under section 493(20)(i), established the point of sale limits to be three hundred dollars per brand with any one piece of advertising material also limited by that three hundred dollar limit.

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

LCB Advisory Opinion No. 99-250