

July 19, 1999

Telephone: 717-783-9454
FAX: 717-787-8820

Timothy S. Weaver
General Manager
Reflections Restaurant
1390 Oregon Road
Leola, PA 17540

RE: Self-sponsored Contests

Dear Mr. Weaver:

ISSUE: This is in response to your inquiry of May 26, 1999 (received in this office on June 25, 1999) and a follow-up conversation in which you request an opinion as to the legality of conducting self-sponsored contests at your retail licensed premises. You propose to conduct a promotional game night modeled after several popular trivia games. An employee will read various questions, and customers will use a 'clicker' to win the right to answer the question. The question, if answered correctly, will have a point value. The person/group with the most points at the end of the game is the winner. You propose to give the following prizes away, each with its corresponding value: tee-shirts (\$12.00); ball caps (\$9.00); gift certificates for dinner/alcohol not included (\$5.00; \$10.00; \$25.00); Trivial Pursuit board game (\$22.00); Family Feud board game (\$17.00); Jeopardy board game (\$18.00); shot glasses (\$9.00); glasses/mugs (\$9.00); handkerchiefs (\$9.00); and NASCAR die cast cars (\$29.00). There will be no purchase or payment requirement to participate in these contests. Additionally, because your kitchen usually closes at 10:00 p.m., you will continue to serve food if the games extend beyond 10:00 p.m., but no later than the legal closing hour. Lastly, no alcoholic beverages will be provided as prizes.

OPINION: Section 5.32 (e) of the Board's Regulations [40 Pa. Code Section 5.32(e)], as explained in Board Advisory Notice No. 14, a copy of which is enclosed, permits a restaurant licensee to conduct self-sponsored contests on its own licensed premises. Self-sponsored means paid for and carried out by the licensee. Based on the information provided to this office, it appears the self-sponsored contests you propose to conduct are permissible. Please be advised, however, that the total of all prizes for any given contest may not exceed \$500.00. The total value of all prizes awarded in any seven-day period may not exceed \$5,000.00. [40 Pa. Code Section 5.32 (f)(7)].

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

Enclosure

cc: Bureau of Liquor Control Enforcement,
Pennsylvania State Police

LCB Advisory Opinion No. 99-251