

July 23, 1999

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

Michelle M. Rabe
Legal Assistant
Anheuser-Busch Companies, Inc.
Executive Offices
One Busch Place
St. Louis, MO 63118-1852

RE: Check-In Piece with Offer

Dear Ms. Rabe:

ISSUE: This is in response to your inquiry of July 15, 1999 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 493(20)(i) of the Liquor Code [47 P.S. Section 4-493(20)(i)]. 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.
- Retail licensees may not discount the pizza because section 493(24) of the Liquor Code, [47 P.S. Section 4-493(24)], prohibits a retail licensee from giving anything of value to induce the purchase of alcoholic beverages. The beer may be discounted in accordance with section 13.102 of the Board's regulations, [40 Pa. Code Section 13.102], pertaining to discount pricing practices.

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. 99-274