

August 23, 1999

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

Dear Ms. Rabe:

ISSUE: In your August 5, 1999 fax to this office, you requested approval for point-of-sale materials for the Budweiser Retro Meal Deal '99. The point-of-sale materials consist of art work for a counter card that measures 12' x 18' that will cost \$1.83, a table tent measuring 5' x 7' with a cost of 15 cents, a banner measuring 5' x 3' that will cost \$5.86, and a server sticker measuring 4' x 2½' with a cost of 28 cents.

OPINION: Section 493(20)(i) allows point-of-sale material on licensed premises so long as the cost of the point of sale does not exceed \$300 per brand. [47 P.S. Section 4-493(20)(i)]. In addition, any placard or sign advertising a brand of liquor or malt or brewed beverages to be placed in store windows or doorways may not exceed 600 square inches in size. Although it appears the point-of-sale submitted falls under the dollar cost limitations set forth in 493(20)(i), this office notes that the Budweiser Retro Meal Deal ('Meal Deal') appears to consist of a double stack burger combo meal or grilled chicken sandwich combo meal plus a sixteen-ounce collectable glass filled with Bud or Bud Light for \$6.99. While advertising novelties with a value less than \$15 may be given by retail licensees to consumers, and the offer of such advertising novelties may be conditioned on the purchase of an alcoholic beverage, licensees should take steps to insure that the Meal Deal, consisting of an alcoholic beverage and food, does not, in and of itself, violate the Board's regulations. If the Meal Deal results in the discounting of the nonalcoholic components of the deal, such a reduction will be a violation of section 493(24) of the Liquor Code [47 P.S. Section 4-493(24)] because it would be the offering of something of value to induce the purchase of alcoholic beverages (the offering of the collector glass with a value less than \$15 would be considered an advertising novelty and advertising novelties are specifically excepted from section 493(24)). Alternatively, if the alcohol component of the Meal Deal is discounted, then such a discount would need to conform with the Board's 'happy hour' regulations set forth in section 13.102. [40 Pa. Code Section 13.102]. If there is no discounting of the items which form the Meal Deal, then it would be permissible. Since this office does not have sufficient information to evaluate the Meal Deal, the approval of the point-of-sale materials is granted if the Meal Deal itself is

permissible under the guidelines set forth above.

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. 99-301