

October 7, 1999

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

R. James Niederriter, President  
R. James Niederriter, Inc.  
d/b/a RJ's  
25 E. High Street  
Union City, PA 16438

Dear Mr. Niederriter:

ISSUE: In your letter to this office, received September 20, 1999, you inquired if the menu enclosed with your letter would be acceptable for delivery door to door.

OPINION: Section 498(e)(2) of the Liquor Code prohibits licensees from distributing by mail, personally or through servants, agents or employees, price lists, circulars or handbills off the licensed premises to the general public as a means of advertising liquor, wine or malt or brewed beverages. [47 P.S. Section 4-498(e)(2)]. According to the Board's Advisory Notice No. 15, a copy of which is attached, if a circular or mailing does not advertise the availability of alcoholic beverages with their prices, the mailing would be permissible without restriction. For example, if the circular only mentions a licensee's name and address or food and nonalcoholic beverages, it would be permissible. If, however, the circular or mailing advertises the availability of alcoholic beverages and/or their prices, it may not be provided to the general public off the licensed premises. However, it would be permissible to send mailings or circulars advertising alcoholic beverages to a distinct group of individuals of legal drinking age who have specifically requested to receive such things from the licensee. [Advisory Notice No. 15]. According to the Liquor Code and the Board's Advisory Notice No. 15, the menu you propose to deliver door to door would not be permissible unless the individuals to whom you are going to deliver them requested the information you are providing, or unless you change the circular so as not to mention the availability of alcoholic beverages or their prices.

Please do not hesitate to contact this office if you have any further questions.

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

c.c. Pennsylvania State Police  
Bureau of Liquor Control Enforcement

LCB Advisory Opinion No. 99-335