

November 1, 1999

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Mark B. Sweeney
SEAGRAM AMERICAS
North America Atlantic/Pacific Region
480 Lapp Road
Malvern, PA 19355

RE: Captain Morgan Private Stock

Dear Mr. Sweeney:

ISSUE: This is in response to your inquiry of September 27, 1999, 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 498 of the Liquor Code. [47 P.S. Section 4-498]. Therefore, it is permissible to conduct such event(s) in the Commonwealth on the areas checked below:

Retail licensed premises (restaurants, hotels clubs, retail dispensers).

Distributor licensed premises.

Both retail and distributor licensed premises.

Wine and spirits shoppes, subject to approval of the Bureau of Logistics.

Direct mail to customers of legal drinking age who have requested information.

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

c.c. Pennsylvania State Police
Bureau of Liquor Control Enforcement
J. Hamilton, Director of Marketing
A. Connell, Director, Bureau of Store Operations
M. Kerwin, Director, Bureau of Consumer Relations
C. Rose, Director, Bureau of Logistics

LCB Advisory Opinion No. 99-340