

October 28, 1999

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

Bert H. Lechner
Vice President of Marketing
W & L SALES COMPANY, INC.
4050 Industrial Road
Harrisburg, PA 17110-2997

Dear Mr. Lechner:

ISSUE: This is in response to your letter of October 12, 1999 in which you seek our opinion regarding the legality of providing beer-branded glassware, made of glass, to Pennsylvania taverns for their everyday use. Your company holds an importing distributor license.

OPINION: Unfortunately, the liquor laws prohibit your company from providing glassware to taverns. Section 493(17) of the Liquor Code [47 P.S. Section 4-493(17)] prohibits any licensee from providing equipment or fixtures to other classes of licensees. Because glassware is considered to be equipment for retail licensees, such as restaurants, hotels or clubs, you cannot sell or give it to them for use in their establishments. Please note, however, that there is nothing prohibiting retail licensees from purchasing brand-identified glasses from non-licensed third parties. Therefore, if your tavern accounts obtain the beer-branded glassware from an outside party, they would be permitted to use them in their establishments.

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

LCB Advisory Opinion No. 99-356