

November 10, 1999

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Sue Weitzel
Vice President
Brewery Products Company
1017 N. Sherman Street
York, PA 17402

Dear Ms. Weitzel:

ISSUE: This office is in receipt of your letter dated October 6, 1999 directed to Francis X. O'Brien in which you inquire whether or not representative/employees of importing distributor/wholesale licensees may legally purchase alcoholic beverages for adult consumers on retail licensed premises. You indicate that Advisory Notice 9 (4th Revision) under No. 3, indicates that 'representatives of manufacturers and retail licensees may give to or purchase an alcoholic beverage for consumers....' By definition, representatives (employees) of the importing distributor/wholesaler would not be the same as persons representative of a manufacturer.

OPINION: Initially, be advised Mr. O'Brien is no longer Chief Counsel of the Liquor Control Board. That position is now held by Faith S. Diehl.

With regard to your inquiry, be advised that the advisory notice which addresses bar spending is Advisory Notice No. 10 (5th Revision), dated August 18, 1999, not Advisory Notice No. 9. As you correctly indicated, however, section 3 of the Advisory Notice No. 10 permits representatives of manufacturers and retail licensees to purchase alcoholic beverages for consumers on retail licensed premises. It is the opinion of this office that 'representatives of manufacturers' include importing distributors, thereby permitting importing distributors to provide a single alcoholic beverage to adult patrons of hotel, restaurant, and club licensed premises.

Enclosed is a copy of Advisory Notice No. 10 (5th Revision).

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. 99-363