

November 19, 1999

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Dick Freeman  
General Manager  
Howard Johnson at Bradford  
Box 523, 100 Davis Street South  
Bradford, PA 16701

Dear Mr. Freeman:

ISSUE: This is in response to your fax dated October 20, 1999 to this office in which you, a hotel licensee, request an advisory opinion as to the legality of giving a free cocktail to overnight guests of your hotel who are of legal drinking age.

OPINION: PLCB Advisory Notice No 10 (5<sup>th</sup> Revision), a copy of which is enclosed, provides that retail licensees may give to or purchase an alcoholic beverage for consumers in retail licensed premises (hotels, restaurants, clubs) provided the giving of the alcoholic beverage is not contingent upon the purchase of any other alcoholic beverage. However, such bar spending and giving of free drinks are limited to one alcoholic beverage per patron in any such offering. Please also be advised that any advertising done for such a promotion would need to comply with Section 498 of the Liquor Code[47 P.S. Section 4-498], a copy of which is enclosed.

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. 99-371