

December 3, 1999

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Marc L. Fournier
Assistant General Manager
Radisson Lackawanna Station Hotel
700 Lackawanna Avenue
Scranton, PA 18503

Dear Mr. Fournier:

ISSUE: This is in response to your letter dated November 10, 1999 to this office in which you request an opinion as to the legality of a New Year's Eve package. The package would include dinner, dancing for the evening and ten (10) drink tickets per person.

OPINION: Section 13.102(a) of the Board's regulations [40 Pa. Code Section 13.102(a)] allows retail licensees to discount all alcoholic beverages for a consecutive period of time not to exceed two hours in a business day, so long as the discounting ceases no later than 12:00 a.m. (midnight). Section 13.102(a)(3) of the Board's regulations [40 Pa. Code Section 13.102(a)(3)] prohibits the sale or serving, or both, of an unlimited or indefinite amount of liquor, or wine or malt or brewed beverages for a set price. As the New Year's Eve package which you propose includes ten (10) drink tickets per person, the package as proposed is permissible provided that the drinks are limited to that amount. Please be aware, however, that section 493(24) of the Liquor Code prohibits the giving of anything of value to induce directly the purchase of alcohol. Therefore, it would not be permissible to discount the individual prices of the items comprising the New Year's Eve package. Please also note that Licensees cannot provide alcohol to anyone who is visibly intoxicated.

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. 99-381