

December 13, 1999

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Bud Yost III
J. F. K. Leasing
950 Bellefonte Avenue
Lock Haven, PA 17745-2731

Dear Mr. Yost:

ISSUE: In your letter to Malt Beverage Compliance, forwarded to this office on November 19, 1999, you ask whether a distributor licensee may offer its customers a free lighter with any purchase over \$3.00 and advertise such an offer as a coupon in a business publication.

OPINION: Please be advised that generally it is unlawful to give a customer something of value to induce a purchase of malt or brewed beverages. [47 P.S. Section 4-493(24)]. The only exceptions to this general rule are mail-in rebate coupons for purchases, and providing advertising novelties with a value of \$15.00 or less. It would be permissible for a distributor licensee to give a free lighter to its customers with or without a purchase requirement if the lighter contains advertising materials such as a beer manufacturer logo. If the lighter does not qualify as an advertising novelty, no purchase of malt beverages may be required for a customer to obtain the lighter.

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
R. Kaskiel

LCB Advisory Opinion No. 99-389