



VIEW FROM THE BAR

by Marc Resiman, Esq.



Navigating the Regulations On Drink Specials

For a number of years, the Pennsylvania Liquor Control Board's Legal Bureau has been issuing legal opinions on any number of issues arising out of the sale and service of alcoholic beverages. They are published on the PLCB's website. Some of them make for interesting reading if you own a liquor license. Often they involve discount pricing questions. Here are a few opinions which I have come across recently:

Is it ok to pour another alcoholic beverage into a bottle of beer? In this case, the licensee proposed to do so with tequila. However intriguing the idea is, the answer is no. This is because it is not permissible to change the character of beer as long as it is in its original container - here, a bottle. The twist is that you can simply combine the two in another container!

One daily drink special is permitted as long as it involves offering a specific type of alcoholic beverage at a discounted price all day. This restriction has resulted in untold confusion among

licensees over the years, and, indeed, the PLCB's interpretation of it has evolved as well. Generally speaking, the PLCB interprets the phrase "a specific type of alcoholic beverage" as meaning either "a specific registered brand of malt or brewed beverage, a type of wine, a type of distilled spirits or a mixed drink." With that in mind, let's look at the following examples of what's ok and what's not for daily specials:

A special on the Czech beer, Staropramen? Yes.

A special on all Penn Brewery beers? No.

A special on all red wines? No.

A special on all Merlot wines? Yes.

A special on all vodka drinks. Yes.

Note that the daily special can be further discounted during a happy hour, as long as the price doesn't change during that time.

If you have questions regarding specific specials - or promotions - you would like to run, please contact me.

(This column is brought to you as a public service by Marc Reisman, a partner in the law firm of Gelman & Reisman. If you have an issue you would like to see addressed, or if you would like a reprint of a previous column, write to him at 1701 Law & Finance Building, Pittsburgh, PA 15219, or call 1-800-883-1LAW. This column is intended for informational purposes only - consult Mr. Reisman for legal advice specific to your situation.)

© 2006 Marc Reisman