

2613

Nethaway, Troy

From: Brenda Price [yuripita@yahoo.com]
Sent: Monday, August 20, 2007 9:54 PM
To: Ra-LBLegal@state.pa.us
Cc: pataverns@vandling.net
Subject: James F. Maher, Asst Counsel Regulation ID #54-63 (2613)

RECEIVED
2007 SEP -4 PM 4:59
INDEPENDENT REGULATORY
REVIEW COMMISSION

Mr Maher,

I am responding to proposed changes in PLCB regulations Section 13.43., interior display.
(Regulation ID #54-63 (2613))

After reading the proposed changes which would prohibit any and all brand advertising within a licensed establishment, I find no legitimate reason to do this. I am not sure who proposed this change or why anyone would support such a ludicrous change. The interior displays within a licensed establishment helps the customer find the products which they desire. The display signs and advertising material, etc., provided by the manufacturer, cuts advertising costs for all licensees dramatically. Without these manufacturer provided advertising tools, there will be substantial cost passed on again to the licensees and finally, to the consumers. I also noticed ironically, within our own liquor stores, signs that would violate this same legislation. I also find it very hard to believe that these same prohibitions on brand advertising would hold true for licensing venues, such as sport stadiums, concerts, etc., due to the fact that these venues reap massive revenue from those advertising tools. Other than a push by the major breweries to eliminate these costs for them, I cannot fathom why the PA LCB would even consider such a ban. As I'm sure you're all aware, historically neon signage, displays, mirrors, wall pictures have been a nostalgic part of the alcohol industry in general. I believe if you enact this legislation to eliminate interior display advertising, you will only further burden the already overburdened licensees. I also believe this proposal in some ways will violate our freedom of speech which is protected by the Constitution. My family owns and operates two licensed establishments, both of which are attractively decorated with advertising materials which include some beer brands. In addition, beer companies provide us with an attractive form of backlit menu boards. This advertising hardware would be extremely expensive generically for a licensee to purchase and the branding obviously cuts the cost dramatically.

I can only hope that you will take these comments seriously and understand that we are in an industry that is already extremely controlled. I seriously question the advantage and/or benefits of this proposal to eliminate interior signage.

Thank you for your kind consideration.
Curtis A. Mason, Sr.
610-842-3436
pennbrewstation@verizon.net

Ready

for the edge of your seat?
Check out tonight's top picks on Yahoo! TV.
<http://tv.yahoo.com/>

PLCB-1017 11/90

2613



IN THE PUBLIC INTEREST

August 27, 2007

PENNSYLVANIA LIQUOR CONTROL BOARD

Harrisburg, Pennsylvania 17124-0001

Telephone: (717) 783-9454

FAX: (717) 787-8820

Curtis A. Mason, Sr.
c/o Brenda Price
VIA E-MAIL: yuripita@yahoo.com

RE: Change to Pennsylvania Liquor Control Board Regulation Section 13.43

Dear Mr. Mason:

Your e-mail of August 20, 2007 provided comments on changes proposed to the regulations of the Pennsylvania of the Control Board ("Board"). [40 Pa. Code § 1.1 et seq.]. As required by the Regulatory Review Act, a copy of your e-mail has been sent within five (5) business days of receipt to the Independent Regulatory Review Commission (IRRC), the Senate Committee on Law and Justice and the House Committee on Liquor Control. [71 P.S. § 745.5(c)]. IRRC regulations direct that the following information be provided to you:

The name, address and telephone number of the person within the Board from whom you may request further information on the final form regulation is Assistant Counsel James F. Maher, 401 Northwest Office Building, Harrisburg, Pennsylvania 17124-0001, (717) 783-9454.

A response to your inquiry will be prepared after IRRC has reviewed your e-mail and its comments on the proposed regulation have been received by the Board. IRRC's comments are expected by September 19, 2007.

Upon your request, you will be notified when the final form regulation is delivered to IRRC.

Upon your request, either a copy of the final form regulation or a summary of the changes to the proposed regulation which are incorporated in the final form regulation will be provided to you when it is delivered to IRRC. [1 Pa. Code § 305.2(c)].

RECEIVED
SEP - 4 PM 4:59

Curtis A. Mason, Sr.
August 27, 2007
Page 2

The change being proposed to regulation section 13.43 is to delete the word "not" in the existing regulation that apparently was included as a typographical error. As the regulation currently reads, licensees now are prohibited from having brand advertisement in the licensed premises. The change is being made because, as written, the current regulation is not what was intended, and that is to permit brand advertisement in licensed establishments.

Very truly yours,

FAITH S. DIEHL
CHIEF COUNSEL

by: 
JAMES F. MAHER
Assistant Counsel

cc: Kim Kauffman, Executive Director,
Independent Regulatory Review Commission

jam