

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2195 Session of
1995

INTRODUCED BY DONATUCCI, SERAFINI, KELLER, MANDERINO, LEDERER,
NICKOL, STABACK, YOUNGBLOOD, GEIST, SAYLOR, BELARDI,
GODSHALL, BROWNE, BAKER, WOGAN, ITKIN, RAYMOND, BARD, THOMAS,
FAJT, J. TAYLOR, RAMOS, MICOZZIE, CIVERA AND M. COHEN,
NOVEMBER 6, 1995

AS REPORTED FROM COMMITTEE ON LIQUOR CONTROL, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 21, 1995

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
2 reenacted, "An act relating to alcoholic liquors, alcohol and
3 malt and brewed beverages; amending, revising, consolidating
4 and changing the laws relating thereto; regulating and
5 restricting the manufacture, purchase, sale, possession,
6 consumption, importation, transportation, furnishing, holding
7 in bond, holding in storage, traffic in and use of alcoholic
8 liquors, alcohol and malt and brewed beverages and the
9 persons engaged or employed therein; defining the powers and
10 duties of the Pennsylvania Liquor Control Board; providing
11 for the establishment and operation of State liquor stores,
12 for the payment of certain license fees to the respective
13 municipalities and townships, for the abatement of certain
14 nuisances and, in certain cases, for search and seizure
15 without warrant; prescribing penalties and forfeitures;
16 providing for local option, and repealing existing laws,"
17 further providing for unlawful advertising and providing
18 additional penalties.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. Section 498 of the act of April 12, 1951 (P.L.90,
22 No.21), known as the Liquor Code, reenacted and amended June 29,
23 1987 (P.L.32, No.14), is amended to read:

24 Section 498. Unlawful Advertising.--(a) No manufacturer,

1 wholesaler, retailer or shipper whether from outside or inside
2 this Commonwealth and no licensee under this act shall cause or
3 permit the advertising in any manner whatsoever of the price of
4 any malt beverage, cordial, wine or distilled liquor offered for
5 sale in this Commonwealth: Provided, however, That the
6 provisions of this section shall not apply to price signs or
7 tags attached to or placed on merchandise for sale within the
8 licensed premises in accordance with rules and regulations of
9 the board.

10 (a.1) It shall be illegal for anyone to print, distribute or
11 circulate OR CAUSE TO BE PRINTED, DISTRIBUTED OR CIRCULATED <—
12 within this Commonwealth any advertisement pertaining to
13 alcoholic beverages being sold outside this Commonwealth unless
14 the advertisement also contains the following warning, whose
15 characters are at least 1/8 inch high and printed in a legible
16 fashion:

17 Pennsylvania residents are warned it is illegal to
18 transport into Pennsylvania beer, wine or liquor
19 purchased outside Pennsylvania. Penalties upon conviction
20 include forfeiture of any vehicle used to transport such
21 beverages, fines and confiscation of product.

22 (b) Any person who violates any of the provisions of [this <—
23 section] SUBSECTION (A) commits a misdemeanor and shall, upon <—
24 conviction, be sentenced to pay a fine of fifty dollars (\$50)
25 for the first offense and for each additional offense thereafter
26 shall be sentenced to pay a fine of one hundred dollars (\$100)
27 in addition to any penalty provided in subsection (a.1). <—

28 Publication or broadcast by any person in violation of the
29 provisions of this section shall also be subject to injunctive
30 proceedings in a court of competent jurisdiction on a complaint

1 brought by a retail licensee or an association of retail
2 licensees.

3 (B.1) ANY PERSON WHO VIOLATES ANY OF THE PROVISIONS OF <—
4 SUBSECTION (A.1) COMMITS A MISDEMEANOR AND SHALL, UPON
5 CONVICTION, BE SENTENCED TO PAY A FINE OF FIVE HUNDRED DOLLARS
6 (\$500) FOR THE FIRST OFFENSE AND FOR EACH ADDITIONAL OFFENSE
7 THEREAFTER SHALL BE SENTENCED TO PAY A FINE OF ONE THOUSAND
8 DOLLARS (\$1,000) IN ADDITION TO ANY PENALTY PROVIDED IN
9 SUBSECTION (A.1).

10 (c) The provisions of this section shall not apply to any
11 trade journal which is duly recognized and authorized to be
12 exempt from the provisions of this section by the board.

13 Section 2. This act shall take effect in 60 days.