

August 20, 2013

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Nicole Elling
Corporate Compliance Administrator
Delicato Family Vineyards
600 Spreckels Avenue
Manteca, California 95336-9209
RE: Noble Wines Yellow Ribbon Promotion

Dear Ms. Elling:

ISSUE: This correspondence is in response to your e-mail and attached letter of August 13, 2013, wherein you request approval, on behalf of Delicato Family Vineyards, to conduct a promotion in Pennsylvania. Through the promotion, a removable yellow ribbon will be attached to Noble Vines point-of-sale (“POS”) bottle neckers and given away to consumers who purchase Noble Vines wines. The bottle neckers and the yellow ribbons support Points of Light, the Official Sponsor of the 9/11 Day of Service and Remembrance.

OPINION: Generally, the Liquor Code prohibits providing anything of value as an inducement to purchase alcohol. [47 P.S. § 4-493(24)]. However, there is an exception to this general prohibition which allows manufacturers and licensees to provide advertising novelties of nominal value to other licensees and consumers. [Id.]. The Board has defined advertising novelties of nominal value as items that have a wholesale cost of fifteen dollars (\$15.00) or less and contain advertising material. [40 Pa. Code § 13.52; Board Advisory Notice No. 10 (6th Revision)]. Such advertising novelty giveaways may be conditioned on the purchase of an alcoholic beverage.

Therefore, so long as the removable yellow ribbon that will be attached to the POS bottle neckers has a wholesale cost of fifteen dollars (\$15.00) or less and contains advertising material, it is permissible to conduct the proposed promotion in Pennsylvania in reference to the areas checked below:

- ___ retail licensed premises.
- ___ distributor licensed premises.
- ___ both retail and distributor licensed premises.
- X the Board's wine and spirit stores, subject to approval of the Bureau of Product Selection (POS only).
- ___ other - Internet, text messaging.

Please be advised that prior approval of malt or brewed beverages POS material and prior approval of retail licensed premises POS material are no longer required. However, the requirement for prior approval of POS material intended for use in the Board's wine and spirits stores from the Bureau of Product Selection remains. The total cost of all POS advertising material relating to any one (1) brand of any one (1) manufacturer at any one (1) time may not exceed three hundred dollars (\$300.00) on a retail licensed premises. [47 P.S. § 4-493(20)(i)].

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

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement
James Short, Director of Marketing
Timothy Fringer, Bureau of Product Selection
Michelle Bonsick, Bureau of Marketing Communications, Branding
& Design

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