

January 28, 2014

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David Romine  
Kalik Lewin  
4720 Montgomery Lane, Suite 400  
Bethesda, MD 20814  
**RE: Mail-in Rebate Offers**

Dear Mr. Romine:

ISSUE: This correspondence is in response to your e-mail of January 16, 2013, in which you request approval on behalf of various manufacturers to conduct three (3) proposed mail-in rebate promotions in Pennsylvania.

The first promotion, from McCormick Distilling Co., offers consumers a rebate of three dollars (\$3.00) on the purchase of one (1) bottle of Platte Valley Moonshine. The second promotion, from Earth Friendly Distilling Co., offers consumers a rebate of five dollars (\$5.00) on the purchase of one (1) bottle of 360 Vodka. The third promotion, from Tequila Rose Distilling Co., offers consumers a rebate of five dollars (\$5.00) on the purchase of a 750ml or 1L bottle of Tequila Rose Strawberry or ten dollars (\$10.00) on the purchase of a 1.75L bottle of same.

To receive a rebate, consumers must mail to the designated address a completed rebate form including the UPC number of the qualifying product purchased. The offers are valid for purchases made between January 1 and December 31, 2014, and are limited to adults of legal drinking age.

OPINION: This office has reviewed the proposed offers and has determined that the promotions comports with applicable liquor laws and regulations, specifically subsection 493(24)(i) of the Liquor Code [47 P.S. § 4-493(24)(i)], and are acceptable for use in this Commonwealth.

Therefore, it would be permissible for your clients to conduct the promotions in the Commonwealth in reference to the area checked below:

\_\_\_ retail licensed premises.

- distributor licensed premises.
- both retail and distributor licensed premises.
- the Board's wine and spirits stores, subject to approval of the Bureau of Product Selection.
- other – Internet, text messaging.

Please note that prior approval of malt or brewed beverages point-of-sale ("POS") material and retail licensed premises POS material is 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 and Merchandising  
Michelle Bonsick, Director, Bureau of Marketing Communications,  
Branding & Design  
Pamela Bernd, Product Selection

LCB Advisory Opinion No. 14-010