

March 5, 2014

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Mary Monahan
Marketing Assistant
Banfi Vintners

RE: Casillero del Diablo Wine Rebate Offer

Dear Ms. Monahan:

ISSUE: This correspondence is in response to your e-mail of February 19, 2014, in which you request approval to conduct a mail-in rebate promotion in Pennsylvania.

According to the sample coupon you provided, the promotion offers consumers an escalating rebate on Casillero del Diablo wine. Specifically, consumers may receive two dollars (\$2.00) on the purchase of two (2) bottles, eight dollars (\$8.00) on the purchase of six (6) bottles, or twenty-four dollars (\$24.00) on the purchase of twelve (12) bottles. To receive the rebate, consumers must mail to the designated address a completed rebate coupon and an original cash register receipt. The offer expires on June 30, 2014, and is limited to adults of legal drinking age.

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

Therefore, it would be permissible to conduct the promotion 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. 14-060