

March 5, 2014

Telephone: (717) 783-9454

FAX: (717) 787-8820

David Romine
Kalik Lewin
4720 Montgomery Lane, Suite 400
Bethesda, MD 20814

RE: No Wine Purchase Mail-in Rebate Offers

Dear Mr. Romine:

ISSUE: This correspondence is in response to your e-mail of February 24, 2014, in which you request approval on behalf of Folio Fine Wine Partners to conduct a pair of mail-in rebate promotions in Pennsylvania. The first promotion offers consumers a rebate of three dollars (\$3.00) on the purchase of olives. The second promotion offers consumers a rebate of three dollars (\$3.00) on the purchase of parmigiano-reggiano cheese. No wine purchase is required. To receive a rebate, consumers must mail to the designated address a completed rebate form with the qualifying purchase circled. The offers expire December 31, 2014, and are limited to adults of legal drinking age.

OPINION: Section 493(24)(i) of the Liquor Code prohibits the offering of something of value, such as a refund on the price of food items, as an inducement to purchase malt or brewed beverages. [47 P.S. § 4-493(24)(i)]. However, the rebate forms indicate that no purchase of alcohol is required. Because the promotions thus involve the purchase of non-alcoholic items only, they are not subject to the Liquor Code.

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.

David Romine
March 5, 2014
Page 2

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. 14-062