

March 12, 2014

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Donna Young
Regulatory Affairs Specialist
Vermont Hard Cider Company, LLC
153 Pond Lane
Middlebury, VT 05753

RE: Woodchuck Hard Cider Mail-in Rebate

Dear Ms. Young:

ISSUE: This correspondence is in response to your e-mail of February 25, 2014, wherein you request approval to conduct a mail-in rebate promotion in Pennsylvania.

According to the summary you provided, the promotion offers consumers a mail-in rebate of five dollars (\$5.00) on the purchase of two (2) six (6)-packs or one (1) twelve (12)-pack of Woodchuck® Hard Cider. Alternatively, consumers may receive eight dollars (\$8.00) on the purchase of four (4) six (6)-packs, two (2) twelve (12)-packs, or one (1) case of Woodchuck® Hard Cider. To receive a rebate, consumers must mail to a designated address the completed mail-in rebate form, the original cash register receipt with the qualifying purchase or purchases circled, and the original UPC code from the product or products purchased. The rebate is available only to residents of select states including Pennsylvania who are twenty-one (21) years of age or older, and there is a limit of one (1) rebate per address or household. The offer is valid from June 1 through December 31, 2014.

OPINION: This office has reviewed the proposed mail-in rebate promotion and has determined that it comports with the 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 subject to certain limitations.

In Pennsylvania, mail-in rebates on malt or brewed beverages are permissible only if those products are purchased on distributor or importing distributor premises, and those types of licensees must sell by the case. A “case” is defined as a package prepared by the manufacturer for sale or distribution of twelve (12) or more original containers totaling two hundred sixty-four (264) or more fluid ounces of malt or brewed beverages, excepting those packages containing twenty-four (24) or more original containers each holding seven (7) fluid ounces or more. [47 P.S. § 1-102].

Therefore, it is only permissible to conduct the proposed mail-in rebate promotion in the Commonwealth in reference to the area checked below and only to the extent that it applies to case quantities as defined above.

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

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

LCB Advisory Opinion No. 14-069