

March 26, 2014

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RE: Mike's Hard Lemonade Mail-in Rebate

Dear Mr. Libunao:

ISSUE: This correspondence is in response to your letter of March 12, 2014, wherein 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 mail-in rebate, depending on the quantity of Mike's Hard Lemonade product purchased. Specifically, consumers may receive a rebate of one dollar and fifty cents (\$1.50) on the purchase of a six (6)-pack, two dollars and fifty cents (\$2.50) on the purchase of a twelve (12)-pack, or five dollars (\$5.00) on the purchase of a case or equivalent of any Mike's Hard Lemonade Co. product. 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(s) circled, and the original UPC code from the product(s) purchased. The rebate is available only to legal 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. The offer expires August 1, 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.
- 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. 14-100