

April 16, 2014

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

**RE: Artadi Tempranillo Wine Instant Rebate**

Dear Mr. Romine:

ISSUE: This correspondence is in response to your e-mail of April 8, 2014, in which you request approval on behalf of Folio Fine Wine Partners to conduct an instant rebate promotion in Pennsylvania. Through the promotion, consumers can save two dollars (\$2.00) instantly on the purchase of one (1) seven hundred fifty milliliter (750ml) bottle of Artadi Tempranillo Wine. The instant rebate coupon must be redeemed at the time of purchase. The offer expires on June 30, 2014. The offer is limited to persons who are at least twenty-one (21) years of age, and there is a limit of one (1) coupon per person per purchase.

OPINION: This office has reviewed the proposed instant rebate promotion and 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.

Please be advised 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)]. Therefore, it is 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.

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  
Dale Horst, Interim Director of Marketing and Merchandising  
Michelle Bonsick, Director, Bureau of Marketing Communications,  
Branding & Design  
Pamela Bernd, Product Selection

LCB Advisory Opinion No. 14-142