

May 6, 2014

Telephone: (717) 783-9454

FAX: (717) 787-8820

Janis A. Carlow
Assistant to Lou Giordano
Vice President, Off Premise
Lantern Division
Southern Wine & Spirits
1600 Northwest 163rd Street
Miami, FL 33169

RE: Pearl Vodka Mail-in Rebate

Dear Ms. Carlow:

ISSUE: This correspondence is in response to your e-mail of April 29, 2014, which was forwarded to this office on April 30, 2014, wherein you request approval, on behalf of Luxco, Inc., to conduct a mail-in rebate promotion in Pennsylvania. Through the promotion, consumers can save three dollars (\$3.00) by mail on the purchase of a seven hundred fifty milliliter (750ml) or larger bottle of Pearl Vodka. To receive the rebate, consumers must mail the official rebate form, along with the original register receipt with the qualifying purchase(s) circled, to the address specified on the official rebate form. Qualifying purchases must be made between May 1, 2014 and September 30, 2014. The offer is limited to persons who are at least twenty-one (21) years of age, and there is a limit of three (3) rebates per address.

OPINION: This office has reviewed the proposed mail-in 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 proposed mail-in rebate 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. 14-193