

October 9, 2014

Nichole Plummer
Paralegal Administrator
Banfi Vintners
lummer@banfi.com

RE: Riunite Dog Tag Promotion

Dear Ms. Plummer:

ISSUE: This correspondence is in response to your e-mail of September 25, 2014, in which you request approval to conduct an “on-pack” promotion in Pennsylvania. The promotion will offer consumers a pair of dog tags, featuring the Riunite and Tragedy Assistance Program for Survivors (TAPS) logos, with the purchase of specially-marked bottles of Riunite Lambrusco wine. The dog tags will hang around the neck of each bottle, and a portion of the proceeds from all Riunite wine sold during the promotion will be donated to TAPS.

OPINION: Generally, the Liquor Code prohibits providing anything of value as an inducement to purchase alcohol. [47 P.S. § 4-493(24)]. However, there is an exception to this general prohibition which allows the offering of advertising novelties, such as matches, disposable lighters, bottle or can openers, t-shirts, caps, corkscrews, and pens and pamphlets, of nominal value. [Id.] The Board has defined advertising novelties of nominal value as items that have a wholesale cost of fifteen dollars (\$15.00) or less and contain advertising material. [40 Pa. Code § 13.52; Board Advisory Notice No. 10 (6th Revision)]. Advertising novelty giveaways may or may not be conditioned on the purchase of an alcoholic beverage.

Therefore, your proposed promotion, assuming the wholesale value of the dog tags is less than fifteen dollars (\$15.00), satisfies the exception for advertising novelties of nominal value and is acceptable for use in Pennsylvania. It would be permissible to conduct this promotion in the Commonwealth in reference to the areas checked below:

- retail licensed premises.
- distributor licensed premises.
- both retail and distributor licensed premises.

X the Board's wine and spirit stores, subject to approval of the Bureau of Product Selection.

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

LCB Advisory Opinion No. 14-539