

March 12, 2015

David Romine  
Alcohol Beverage Specialist  
Kalik Lewin  
5335 Wisconsin Avenue, NW, Suite 440  
Washington, DC 2015

**RE: CK Mondavi and Diving Rod Wines Instant Rebate Coupons**

Dear Mr. Romine:

ISSUE: This correspondence is in response to your e-mail of March 4, 2015, in which you request legal review of two (2) instant rebate coupon promotions to be conducted in Pennsylvania.

Through the first promotion, consumers can save one dollar (\$1.00) instantly on the purchase of any one (1) bottle of CK Mondavi Blonde Five wine. The rebate coupon must be redeemed at the time of checkout. There is a limit of one (1) rebate coupon per purchase. The rebate offer expires on June 30, 2015, and it is limited to persons who are twenty-one (21) years of age or older.

Through the second promotion, consumers can save one dollar (\$1.00) instantly on the purchase of any one (1) bottle of Divining Rod wines. The rebate coupon must be redeemed at the time of checkout. There is a limit of one (1) rebate coupon per purchase. The rebate offer expires on June 30, 2015, and it is limited to persons who are twenty-one (21) years of age or older.

OPINION: This office has reviewed both instant rebate promotions described above and has determined that they comport with the applicable liquor laws and regulations, specifically subsection 493(24)(i) of the Liquor Code [47 P.S. § 4-493(24)(i)], and are 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 Pennsylvania Liquor Control Board’s (“Board”) Fine Wine & Good 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 would be permissible to conduct the proposed instant rebate promotions described above in the Commonwealth in reference to the areas checked below:

- retail licensed premises.
- distributor licensed premises.
- both retail and distributor licensed premises.
- the Board's Fine Wine & Good 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, Director of Marketing and Merchandising  
Michelle Bonsick, Director, Bureau of Marketing Communications  
Joseph Puhalla, Director, Bureau of Product Selection

LCB Advisory Opinion No. 15-084