

March 12, 2015

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

RE: CK Mondavi and Divining Rod Wines Mail-in 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) mail-in rebate coupon promotions to be conducted in Pennsylvania.

Through the first promotion, consumers can save three dollars (\$3.00) by mail on the purchase of one (1) one and a half liter (1.5L) bottle or two (2) seven hundred fifty milliliter (750ml) bottles of CK Mondavi Blonde Five wine. To receive the rebate, consumers must mail a completed rebate form along with a cash register receipt with the qualifying purchase circled to the address specified on the rebate form. There is a limit of one (1) rebate per household or address. The rebate offer is valid from March 1, 2015 through 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 three dollars (\$3.00) by mail on the purchase of any two (2) bottles of Divining Rod wines. To receive the rebate, consumers must mail a completed rebate form along with a cash register receipt with the qualifying purchase circled to the address specified on the rebate form. There is a limit of one (1) rebate per household or address. The rebate offer is valid from March 1, 2015 through 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 mail-in 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 mail-in 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. 15-085