

March 25, 2015

David Romine
Alcohol Beverage Specialist
Kalik Lewin

RE: Folio Fine Wine Mail-in Rebate Offers

Dear Mr. Romine:

ISSUE: This correspondence is in response to your e-mail of March 3, 2015, wherein you request legal review of three (3) proposed mail-in rebate promotions to be conducted in Pennsylvania by your client, Folio Fine Wine Partners.

According to the sample coupons you provided, the first promotion offers consumers an escalating rebate of up to twelve dollars (\$12.00) on the purchase of Marchesi de'Frescobaldi wines. Specifically, consumers may receive one dollar (\$1.00) on the purchase of one (1) bottle, five dollars (\$5.00) on the purchase of three (3) bottles, or twelve dollars (\$12.00) on the purchase of six (6) bottles. To receive a rebate, consumers must mail in the rebate form along with a store cash receipt with the relevant item(s) circled. The offer expires December 31, 2015, and is limited to adults of legal drinking age.

The second and third promotions offer consumers escalating rebates of up to twelve dollars (\$12.00) on the purchase of La Vendimia or La Montesa wines. Specifically, consumers may receive two dollars (\$2.00) on the purchase of two (2) bottles, six dollars (\$6.00) on the purchase of four (4) bottles, or twelve dollars (\$12.00) on the purchase of six (6) bottles. To receive a rebate, consumers must mail in the rebate form along with a store cash receipt with the relevant item(s) circled. The only difference between the two offers is that the second offer expires on December 31, 2015, while the third expires on June 30, 2015. Both offers are limited to adults of legal drinking age.

OPINION: This office has reviewed the proposed rebate offers and has determined that they comport with 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.

Therefore, it would be permissible to conduct the promotions 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, Director of Marketing and Merchandising
Michelle Bonsick, Director, Bureau of Marketing Communications
Joseph Puhalla, Director, Bureau of Product Selection

LCB Advisory Opinion No. 15-096