

March 25, 2015

David Romine
Alcohol Beverage Specialist
Kalik Lewin

RE: Folio Fine Wine Instant 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 instant 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 a rebate of one dollar (\$1.00) on the purchase of a bottle of Marchesi de'Frescobaldi wine. The second and third promotions both offer a rebate of two dollars (\$2.00) on the purchase of any bottle of La Vendimia or La Montesa wine. The first and third offers expire on December 31, 2015; the second offer expires June 30, 2015. The promotions 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.

- X 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. 15-097