

August 6, 2015

Capricia Borrero
Coupon Specialist
Insight Resource Group
3 Altarinda Road, Suite 301
Orinda, CA 94563

RE: Brancott Estate[®], Campo Viejo[®], and Dead Bolt[®] Instant Rebate Promotions

Dear Ms. Borrero:

ISSUE: This correspondence is in response to your e-mail of July 29, 2015, wherein you request approval, on behalf of Pernod USA, to run three (3) different instant rebate promotions in Pennsylvania.

Through the first promotion, consumers can save two dollars (\$2.00) instantly on the purchase of any one (1) seven hundred fifty milliliter (750ml) bottle of Brancott Estate[®] wine. The rebate coupon must be redeemed at the time of purchase. The rebate promotion is scheduled to run from September 1, 2015 to October 31, 2015. The rebate offer is limited to persons who are twenty-one (21) years of age or older, and there is a limit of one (1) coupon per purchase.

Through the second promotion, consumers can save two dollars (\$2.00) instantly on the purchase of any one (1) seven hundred fifty milliliter (750ml) bottle of Campo Viejo[®] wine. The rebate coupon must be redeemed at the time of purchase. The rebate promotion is scheduled to run from September 1, 2015 to October 31, 2015. The rebate offer is limited to persons who are twenty-one (21) years of age or older, and there is a limit of one (1) coupon per purchase.

Through the third and final promotion, consumers can save two dollars (\$2.00) instantly on the purchase of any one (1) seven hundred fifty milliliter (750ml) bottle of Dead Bolt[®] wine. The rebate coupon must be redeemed at the time of purchase. The rebate promotion is scheduled to run from September 14, 2015 to

November 16, 2015. The rebate offer is limited to persons who are twenty-one (21) years of age or older, and there is a limit of one (1) coupon per purchase.

OPINION: This office has reviewed the proposed rebate promotions 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.

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 is permissible to conduct the proposed rebate 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

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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
Joseph Puhalla, Director, Bureau of Product Selection

LCB Advisory Opinion No. 15-329