

September 3, 2015

David Romine  
Alcohol Beverage Specialist  
Kalik Lewin  
5335 Wisconsin Avenue, NW  
Suite 440  
Washington, DC 20015

**RE: Divining Rod Wine Mail-in Rebate Offers**

Dear Mr. Romine:

ISSUE: This correspondence is in response to your e-mail sent August 30, 2015, wherein you request approval to conduct two (2) proposed Divining Rod Wine mail-in rebate promotions in Pennsylvania.

Through the first promotion, consumers can save four dollars (\$4.00) off the purchase of any pumpkin and any bag of ice by mail. There is a four dollar and five cent (\$4.05) minimum purchase requirement. No wine purchase is required. In order to receive the rebate, consumers must mail to the designated address a completed rebate form along with a cash register receipt with the qualifying purchases circled. The offer expires on November 30, 2015. The offer is limited to persons who are twenty-one (21) years of age or older, and there is a limit of one (1) rebate per household or address.

Through the second promotion, consumers can save in the following amounts by mail on the purchase of any Divining Rod Wine: two dollars and fifty cents (\$2.50) off the purchase of two (2) bottles; five dollars and twenty cents (\$5.20) off the purchase of four (4) bottles; eight dollars and forty cents (\$8.40) off the purchase of six (6) bottles; eleven dollars and sixty cents (\$11.60) off the purchase of eight (8) bottles; fifteen dollars (\$15.00) off the purchase of ten (10) bottles; or eighteen dollars (\$18.00) off the purchase of twelve (12) bottles. In order to receive the rebate, consumers must mail to the designated address a completed rebate form along with a cash register receipt with the qualifying purchases circled. The offer expires on November 30, 2015. The offer is limited to persons who are twenty-one

(21) years of age or older, and there is a limit of one (1) rebate per household or address.

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.

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 Board’s 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 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.

Please keep in mind, however, that the non-alcoholic beverage items referenced in the first promotion described above are not available for purchase at the Board’s wine and spirits stores.

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

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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. 15-385