

September 11, 2015

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

RE: CK Mondavi Mail-in Rebate Coupon

Dear Mr. Romine:

ISSUE: This correspondence is in response to your e-mail sent August 30, 2015, in which you request legal review of a mail-in rebate coupon promotion to be conducted in Pennsylvania.

Through the promotion, consumers can save in the following amounts by mail on the purchase of seven hundred fifty milliliter (750ml) bottles of CK Mondavi wine: fifty cents (\$0.50) per bottle on the purchase of one (1) to four (4) bottles; seventy-five cents (\$0.75) per bottle on the purchase of five (5) to eight (8) bottles; or one dollar (\$1.00) per bottle on the purchase of nine (9) to twelve (12) bottles. Alternatively, consumers can save in the following amounts by mail on the purchase of one and a half Liter (1.5L) bottles of CK Mondavi wine: one dollar (\$1.00) per bottle on the purchase of one (1) to four (4) bottles; one dollar and twenty-five cents (\$1.25) per bottle on the purchase of five (5) to eight (8) bottles; or one dollar and fifty cents (\$1.50) per bottle on the purchase of nine (9) to twelve (12) bottles. 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. The rebate offer is limited to persons who are at least twenty-one (21) years of age, and there is a limit of one (1) rebate per household or address. The rebate offer is valid from August 1, 2015 through September 30, 2015.

OPINION: This office has reviewed the mail-in rebate promotion described above and has determined that it comports with the applicable liquor laws and regulations, specifically subsection 493(24)(i) of the Liquor Code [47 P.S. § 4-493(24)(i)], and is 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 mail-in rebate promotion 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
Joseph Puhalla, Director, Bureau of Product Selection

LCB Advisory Opinion No. 15-394