

September 28, 2015

David Romine
Alcohol Beverage Specialist
Kalik Lewin
VIA E-MAIL: dromine@kaliklewin.com

RE: Crios Meat or Seafood Instant Rebate

Dear Mr. Romine:

ISSUE: This correspondence is in response to your e-mail of September 18, 2015, wherein you request legal review of a proposed instant rebate promotion to be conducted in Pennsylvania by your client, Folio Fine Wine Partners.

According to the sample coupon you provided, the promotion offers consumers an instant rebate of one dollar (\$1.00) on the purchase of meat or seafood. No wine purchase is required. The offer expires on March 31, 2016.

OPINION: Section 493(24)(i) of the Liquor Code generally prohibits licensees, manufacturers, and the Pennsylvania Liquor Control Board (“Board”), or any employee or agent of a licensee, manufacturer or the Board, from offering or giving anything of value or from soliciting or receiving anything of value as a premium or present to induce directly the purchase of liquor or malt or brewed beverages. [47 P.S. § 4-493(24)(i)]. An exception allows for manufacturers or agents of manufacturers to offer and honor coupons giving monetary rebates on purchases at the Board’s wine and spirits stores. [Id.].

However, the proposed instant rebate offer as described above would not be subject to section 493(24)(i) of the Liquor Code because it does not require the purchase of any alcohol product in Pennsylvania, but, rather, only involves the purchase of food products.

Therefore, it would be permissible to conduct the proposed promotion in Pennsylvania, subject to any other applicable provisions of the Liquor Code or the

Board's Regulations, such as those governing the advertisement of alcoholic beverages, as well as any laws of the Commonwealth that are outside the purview of this office.

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
Stacy Kriedeman, Director, Marketing Communications
Joseph Puhalla, Director, Bureau of Product Selection

LCB Advisory Opinion No. 15-415