

February 12, 2016

Amy Fuggiti
Regulatory Affairs Analyst
Beam Suntory
VIA E-MAIL

RE: Sauza Family Instant Rebate Program

Dear Ms. Fuggiti:

ISSUE: This correspondence is in response to your e-mail sent February 2, 2016, wherein you seek approval to conduct an instant rebate coupon promotion in Pennsylvania.

Through the promotion, Pennsylvania consumers can save \$3.00 instantly on the purchase of any 750ml or larger bottle of Sauza® or Hornitos® tequila products between April 1, 2016 and July 8, 2016. The rebate coupon must be redeemed at the time of checkout. There is a limit of one rebate coupon per item purchased. The rebate offer is limited to persons who are twenty-one years of age or older.

OPINION: This office has reviewed the instant rebate coupon 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 brand of any one manufacturer at any one time may not exceed \$300.00 on a retail licensed premises. [47 P.S. § 4-493(20) (i)].

Therefore, it is permissible to conduct the proposed instant rebate coupon 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,

RODRIGO J. DIAZ
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. 16-015