

March 8, 2016

David Romine
Alcohol Beverage Specialist
Kalik Lewin
VIA E-MAIL

RE: Four Mail-in Rebates

Dear Mr. Romine:

ISSUE: This correspondence is in response to your e-mails of February 23, 2016, wherein on behalf of your clients you request legal review of four mail-in rebate promotions.

According to the sample coupons you provided, the first promotion offers consumers a rebate of \$5.00 on the purchase of a 750ml bottle of a Tarantula Azul tequila. The second promotion offers consumers a rebate of \$5.00 on the purchase of a 750ml, 1L, or 1.75L bottle of 360 Vodka. The third promotion offers consumers a rebate of \$5.00 on the purchase of a 750ml, 1L, or 1.75L bottle of Broker's London Dry Gin. The fourth promotion offers consumers a rebate of \$5.00 on the purchase of a 750ml, 1L, or 1.75L bottle of Tequila Rose Strawberry Cream liqueur. To receive a rebate, consumers must mail the completed rebate form to a specified address, along with proof of purchase. The offers expire December 31, 2016, and are limited to adults of legal drinking age.

OPINION: This office has reviewed the 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.

Therefore, it would be permissible to conduct the rebate promotions in the Commonwealth in reference to the area checked below:

- retail licensed premises.
- distributor licensed premises.

- ___ both retail and distributor licensed premises.
- X 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 IS BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE PENNSYLVANIA LIQUOR CONTROL BOARD.

Sincerely,

RODRIGO J. DIAZ
CHIEF COUNSEL

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement
Dale Horst, Director, Marketing and Merchandising
Stacy Kriedeman, Director, Marketing Communications
Joseph Puhalla, Director, Bureau of Product Selection

LCB Advisory Opinion No. 16-066