

March 10, 2016

Capricia Borrero
Coupon Specialist
Insight Resource Group
VIA E-MAIL

RE: Instant Rebate Promotions

Dear Ms. Borrero:

ISSUE: This correspondence is in response to your e-mail of March 2, 2016, wherein you request legal review of a pair of proposed instant rebate promotions to be conducted in Pennsylvania by your client, The Hess Collection.

According to the sample coupons you provided, the first promotion offers consumers a rebate of \$1.00 on the purchase of a 750ml bottle of any Hess Select wine; the second offers a \$1.00 rebate on the purchase of any two Treasure Cave cheeses. The latter coupon states that no alcohol purchase is required. The offers are valid from April 1 through September 30, 2016, and are limited to adults of legal drinking age.

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. Notably, since the food coupon associated with the rebate promotion indicates that no purchase of alcohol is necessary, which is construed to mean that no alcohol purchase is necessary to obtain or redeem the coupon, the coupon is not subject to section 493(24)(i) of the Liquor Code.

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. 16-068