

March 24, 2016

Mariana Antonison  
Paralegal – Legal Department  
Palm Bay International  
48 Harbor Park Drive  
Port Washington, NY 11050

**RE: Callia Wine and Killka Wine Instant Rebates**

Dear Ms. Antonison:

ISSUE: This correspondence is in response to your letter dated March 2, 2016, wherein you request legal review of two instant rebate coupon promotions to be offered in Pennsylvania by Palm Bay International, Inc.

Through the first promotion, consumers can save \$1.00 instantly on the purchase of any Callia wine. The rebate coupon must be redeemed at the time of purchase. The rebate promotion will expire on August 31, 2016. There is a limit of one coupon per household.

Through the second promotion, consumers can save \$2.00 instantly on the purchase of any Killka wine. The rebate coupon must be redeemed at the time of purchase. The rebate promotion will expire on June 30, 2016. The rebate offer is limited to consumers of legal drinking age, and there is a limit of one coupon per household.

The point-of-sale (“POS”) materials that were provided relative to the proposed instant rebate promotions appear to also include advertisements for other, non-rebate promotions being offered relative to Callia wine and Killka wine. Since your letter does not request a legal review of such promotions, this advisory opinion will not address the same.

OPINION: This office has reviewed the proposed instant rebate offers and has determined that only the second offer described above currently comports with 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.

The first offer described above is problematic because the POS materials that you provided do not include a statement specifying that the offer is limited only to persons who are twenty-one years of age or older or adults of legal drinking age. If such a statement is added to the POS materials, the first offer would otherwise be lawful and acceptable for use in Pennsylvania.

Please be advised that prior approval of malt or brewed beverages 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 ("PLCB") 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, assuming that the issue noted above is properly addressed, it would be permissible to conduct the proposed instant coupon promotions in the Commonwealth in reference to the areas checked below:

- retail licensed premises.
- distributor licensed premises.
- both retail and distributor licensed premises.
- the PLCB's Fine Wine and 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.

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