

April 8, 2016

Capricia Borrero
Coupon Specialist
Insight Resource Group
VIA E-MAIL

RE: Mercer Wine Mail-in Rebate Promotion

Dear Ms. Borrero:

ISSUE: This correspondence is in response to your e-mail of March 16, 2016, wherein you request legal review of a proposed mail-in rebate promotion to be conducted in Pennsylvania by your client, Mercer Wine.

According to the sample coupon you provided, the promotion offers consumers a rebate of \$10.00 on the purchase of a 750ml bottle of Mercer Canyons or Estates wine and at least \$10.01 on “deli, produce or meat.” To receive a rebate, consumers must mail to a specified address the completed rebate form, including the product UPC, and the original cash register receipt showing the qualifying purchases. The terms further state that the rebate is “good only on Mercer Wines.” The offer is valid from April 1 through July 31, 2016, and is limited to adults of legal drinking age.

OPINION: This office has reviewed the proposed rebate offer and has determined that it 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.

Promotions which require the purchase of both alcohol and a non-alcoholic product in order to receive a monetary rebate on the non-alcoholic product are generally not permitted because this would be an unlawful inducement in violation of section 493(24)(i). However, manufacturers or their agents may offer mail-in rebates which require the purchase of alcohol and a non-alcoholic product when the rebate is offered on the alcohol, rather than the non-alcoholic product. Please note that there are a very limited number of non-alcoholic products available for sale at the Board’s wine and spirits stores.

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Therefore, since the offer terms indicate that the rebate is only offered on the Mercer Wine product, it would be permissible to conduct the rebate promotion in the Commonwealth, in reference to the area checked below:

- retail licensed premises.
- distributor licensed premises.
- both retail and distributor licensed premises.
- 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. 16-096