

April 8, 2016

Lauren Jobmann
Account Coordinator
Avid Marketing Group
100 Corporate Place, Suite 200
Rocky Hill, CT 06067
VIA E-MAIL

RE: Sobieski Vodka Pandora One Subscription Credit Giveaway

Dear Ms. Jobmann:

ISSUE: This correspondence is in response to your e-mail sent March 21, 2016, wherein you request legal review of a promotion to be offered to consumers in Pennsylvania by Marie Brizard Wine & Spirits Americas relative to Sobieski Vodka.

Through the promotion, consumers would be offered a free one-month subscription credit to Pandora One (while supplies last) when they play the Sobieski Vodka trivia game. In order to redeem the offer, consumers would be required to text "SOBIESKI" to "55755" or visit www.sobieskimusicprom.com and follow the on-screen instructions. No purchase of alcohol is required to participate. The promotion will be offered from May 1, 2016, to July 31, 2016. The promotion is open only to persons who are at least twenty-one years of age. There is a limit of one free subscription credit per person.

OPINION: Section 493(24)(i) of the Liquor Code generally prohibits licensees, manufacturers, and the Pennsylvania Liquor Control Board ("PLCB"), or any employee or agent of a licensee, manufacturer, or the PLCB, from offering or giving anything of value or from soliciting or receiving anything of value as a premium or present to induce directly the purchase of liquor or malt or brewed beverages. 47 P.S. § 4-493(24)(i). Similarly, section 493(24)(i) generally prohibits licensees, manufacturers, and other persons from offering or giving to trade or consumer buyers any prize, premium, gift, or other inducement to purchase liquor or malt or brewed beverages. Id. The only exceptions to these prohibitions are for coupons offering monetary rebates on purchases of wine or spirits from the PLCB or purchases of malt or brewed beverages from importing distributors or distributors, and for advertising novelties of nominal value. Id.

The PLCB has defined advertising novelties of nominal value as items that have a wholesale cost of \$15.00 or less and contain advertising material. 40 Pa. Code § 13.52; Board Advisory Notice No. 10 (6th Revision). Advertising novelties of nominal value typically include items such as matches, disposable lighters, bottle or can openers, t-shirts, caps, corkscrews, and pens and pamphlets. Such advertising novelty giveaways may be conditioned on the purchase of an alcoholic beverage.

In this case, since the point-of-sale (“POS”) materials that you provided clearly indicate that no alcohol purchase is required in order to obtain the free one-month Pandora One subscription credit that is being offered, the proposed promotion would not be considered an unlawful inducement to purchase alcohol in violation of section 493(24)(i) of the Liquor Code.

Therefore, it is permissible to conduct the proposed promotion 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 (POS only).
- other – Internet, text messaging.

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 PLCB’s Fine Wine and 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 retail licensed premises. 47 P.S. § 4-493(20)(i).

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

Lauren Jobmann

April 8, 2016

Page 3

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,

A handwritten signature in cursive script, appearing to read "Rodrigo J. Diaz".

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. 16-103