

April 19, 2016

Mariana Antonison
Palm Bay International, Inc.
VIA E-MAIL

RE: Lunetta Mail-in Rebate Promotion

Dear Ms. Antonison:

ISSUE: This correspondence is in response to your e-mail of April 6, 2016, wherein you request legal review of a proposed mail-in rebate promotion to be conducted in Pennsylvania.

Through the promotion, consumers can save \$5.00 on the purchase of any two, \$18.00 on the purchase of any six, or \$36.00 on the purchase of any twelve 750 ml bottles of Lunetta Prosecco or Rosé Sparkling Wine. In order to receive the rebate, consumers must mail a completed rebate form along with a cash register receipt with the qualifying purchases circled to the designated address. The rebate promotion is scheduled to expire on September 30, 2016. The rebate offer is limited to adults of legal drinking age, and there is a limit of one rebate per household name or address.

OPINION: This office has reviewed the proposed mail-in 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.

Please be advised that prior approval of malt or brewed beverages point-of-sale (“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 & 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, it is permissible to conduct the proposed mail-in rebate promotion in the Commonwealth, in reference to the area checked below:

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

LCB Advisory Opinion No. 16-120