

April 28, 2016

David Romine
Alcohol Beverage Specialist
Kalik Lewin
VIA E-MAIL

RE: McCormick Distilling Co. Instant Rebates

Dear Mr. Romine:

ISSUE: This correspondence is in response to your e-mail sent April 9, 2016, wherein you request legal review of three instant rebate promotions that your client, McCormick Distilling Co., would like to offer to consumers in Pennsylvania.

Through the first rebate promotion, consumers can save \$2.00 instantly on the purchase of any 750ml bottle of Tequila Rose. The rebate coupon must be redeemed at the time of purchase. The rebate promotion will be offered from June 1, 2016, to July 31, 2016. The rebate offer is limited to persons of legal drinking age. There is a limit of one coupon per purchase and one redeemed offer per household.

Through the second rebate promotion, consumers can save \$2.00 instantly on the purchase of any 750ml bottle of 360 Vodka or Flavors. The rebate coupon must be redeemed at the time of purchase. The rebate promotion will be offered from May 1, 2016, to June 30, 2016. The rebate offer is limited to persons of legal drinking age. There is a limit of one coupon per purchase and one redeemed offer per household.

Through the third and final rebate promotion, consumers can save \$2.00 instantly on the purchase of any 750ml bottle of 360 Vodka or Flavors. The rebate coupon must be redeemed at the time of purchase. The rebate promotion will be offered from July 1, 2016, to August 31, 2016. The rebate offer is limited to persons of legal drinking age. There is a limit of one coupon per purchase and one redeemed offer per household.

OPINION: This office has reviewed the proposed instant 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.

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 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 a retail licensed premises. 47 P.S. § 4-493(20)(i).

Therefore, it is permissible to conduct the proposed rebate promotions in the Commonwealth in reference to the area 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

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