

May 4, 2016

Yolanda Cazessus  
Coupon Specialist/POD Support  
Insight Resource Group  
**VIA E-MAIL**

**RE: Guarachi Wine Partners – Montes Alpha Mail-in Rebate**

Dear Ms. Cazessus:

ISSUE: This correspondence is in response to your e-mail of April 15, 2016, wherein you request legal review of a mail-in rebate promotion to be offered to consumers in Pennsylvania by your client, Guarachi Wine Partners.

Through the rebate promotion, consumers can save \$2.00 per bottle by mail on the purchase of up to twelve bottles of Montes Alpha wine (for a maximum rebate of \$24.00). In order to receive the rebate, consumers must mail a completed rebate form along with their original, store-identified receipts, with the qualifying purchases circled, to the designated address. The promotion is valid on purchases made between January 1, 2016, and December 31, 2016. The rebate offer is limited to persons who are at least twenty-one years of age, and there is a limit of one offer per envelope/per household/address.

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

LCB Advisory Opinion No. 16-166