

August 26, 2016

David Romine
Alcohol Beverage Specialist
Kalik Lewin
5335 Wisconsin Avenue, Suite 440
Washington, DC 20015
VIA E-MAIL

RE: Oberon Share Your Roots Mail-in Rebate Promotion

Dear Mr. Romine:

ISSUE: This correspondence is in response to your e-mail of August 15, 2016 wherein you request approval on behalf of Folio Fine Wine Partners to conduct a mail-in rebate promotion in Pennsylvania.

According to the sample coupon you provided, the promotion will offer consumers an escalating rebate of up to \$18.00 on purchase(s) of 750ml bottles of Oberon Wine. Specifically, consumers may receive \$4.00 on the purchase of two bottles, \$10.00 on the purchase of four bottles, or \$18.00 on the purchase of six bottles. The offer is valid until December 31, 2016, and there is a limit of one rebate per person, address, or household. The offer is limited to residents of certain states, including Pennsylvania, who are at least twenty-one years of 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.

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 Pennsylvania Liquor Control Board’s (“PLCB”) 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).

Therefore, it is permissible to conduct the proposed rebate 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 wine and spirit stores, subject to approval of the Bureau of Product Selection (POS only).
- 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
Charles Mooney, Chief Operating Officer
Dale Horst, Director of Marketing and Merchandising
Stacy Kriedeman, Director, Marketing Communications
Joseph Puhalla, Director, Bureau of Product Selection