

August 31, 2016

Capricia Borrero
Insight Resource Group
3 Altarinda Road, Suite 301
Orinda, CA 94563
VIA E-MAIL

RE: Hess Collection Instant Rebate Promotions

Dear Ms. Borrero:

ISSUE: This correspondence is in response to your e-mail of August 19, 2016, wherein you request approval on behalf of The Hess Collection to conduct two instant rebate promotions in Pennsylvania.

According to the sample coupons you provided, the first promotion will offer consumers an instant rebate of \$1.00 on the purchase of one bottle of any Hess Select wine. The second promotion will offer consumers an instant rebate of \$1.00 on the purchase of one 750ml bottle of Artezin Zinfandel wine. The offers are valid between October 1 and December 31, 2016, and there is a limit of one rebate per household. The offers are limited to residents of certain states, including Pennsylvania, who are at least twenty-one years of age. It should be noted that although you included other sample coupons with your e-mail, the terms contained therein indicate that the offers are not valid in Pennsylvania. Therefore, this office limited its review to the two coupons that are valid in Pennsylvania.

OPINION: This office has reviewed the above 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 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 promotions 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

LCB Advisory Opinion No. 16-337