

September 21, 2016

David Romine  
Alcohol Beverage Specialist  
357 Castleton View Road  
Castleton, VA 22716  
**VIA E-MAIL**

**RE: Dealy Lane Instant Rebate Coupons**

Dear Mr. Romine:

ISSUE: This correspondence is in response to your e-mail of September 15, 2016, wherein you request approval to conduct two instant rebate promotions in Pennsylvania.

According to the first sample coupon you provided, the promotion offers consumers a \$1.00 instant rebate off the purchase of any bottle of Dealy Lane wine. Consumers must redeem the rebate at the time of checkout. The rebate is available only to legal residents who are at least twenty-one years of age at the time of purchase to participate. The offer expires December 31, 2016.

According to the second sample coupon you provided, the promotion offers consumers an instant rebate of \$2.00 off cheese. The rebate coupon must be redeemed at the time of checkout. There is a limit of one coupon per purchase. The offer expires December 31, 2016 and no purchase of wine is necessary. The rebate is available only to legal residents who are at least twenty-one years of age at the time of purchase to participate.

OPINION: This office has reviewed the proposed 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 is acceptable for use in this Commonwealth.

With regard to the second instant rebate promotion, it is unclear if you anticipate offering the coupon at the PLCB's Fine Wine and Good Spirits Stores or at a retail licensed premises such as a grocery store that sells wine and malt or brewed beverages. If you anticipate offering the coupon at a licensed premises that sells food products, wine, and/or malt or brewed beverages, please be advised that the PLCB's Fine Wine and Good Spirits stores are statutorily limited in what non-alcoholic products it can sell to consumers. Cheese is not on the list of items the PLCB can sell. 47 P.S. § 3-305(h).

Furthermore, 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") wine and 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 would be 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 wine and 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  
Charles Mooney, Chief Operating Officer  
Dale Horst, Director of Marketing and Merchandising  
Stacy Kriedeman, Director, Marketing Communications  
Joseph Puhalla, Director, Bureau of Product Selection