

February 3, 2017

Ania Kisielinska
Insight Resource Group
3468 Mt. Diablo Blvd.
Suite B120
Lafayette, CA 94549
VIA E-MAIL

RE: Montes and Kaiken Wine Instant Rebate Offer

Dear Ms. Kisielinska:

ISSUE: This correspondence is in response to your e-mail dated January 25, 2017 wherein you request approval to conduct two instant rebate promotions in Pennsylvania.

According to the sample coupons you provided, the promotion offers consumers the following instant rebates: \$1.00 on the purchase of any one bottle of Montes Premium Wines; and \$1.00 on the purchase of any one bottle of Kaiken Premium Wines.¹ Consumers must redeem the rebates at the time of checkout. The rebates are available to residents of Pennsylvania and will be valid from January 1, 2017 until December 31, 2017. The rebates are available to those who are at least twenty-one years of age at the time of purchase.

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 are acceptable for use in this Commonwealth.

Therefore, it would be permissible to conduct the proposed rebate promotion in the Commonwealth in reference to the area checked below:

____ retail licensed premises.

¹ While your request refers to a mail-in rebate for Kaiken Premium Wine, the point-of-sale materials enclosed indicate that this is really an instant rebate.

- ___ distributor licensed premises.
- ___ both retail and distributor licensed premises.
- X the Pennsylvania Liquor Control Board's ("PLCB") wine and spirits stores, subject to approval of the Bureau of Product Selection.
- ___ other – Internet, text messaging.

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 wine and spirits stores from the Bureau of Product Selection remains. The total cost of all POS advertising materials 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).

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 of Marketing and Merchandising
Stacy Kriedeman, Director, Marketing Communications
Thomas Bowman, Director, Bureau of Product Selection