

February 16, 2017

Amy Rossi
Compliance Specialist
Mark Anthony Services, Inc.
328 S. Jefferson Street, Suite 1050
Chicago, IL 60661
VIA E-MAIL

RE: mike's® Hard Lemonade Mail-In Rebate

Dear Ms. Rossi:

ISSUE: This correspondence is in response to your e-mail dated February 2, 2017, wherein you request approval, on behalf of Mark Anthony Brands, Inc., to conduct a mail-in rebate promotion in Pennsylvania.

According to the sample coupon you provided, consumers may save \$5.00 by mail on the purchase of one seafood item “complements of mike's® Hard Lemonade.” To redeem the rebate coupon, consumers must submit the original rebate form, including the consumer's name, date of birth, and address, along with the original register receipt showing the purchase of one seafood item, to the designated mailing address. The rebate is available only to legal residents of certain states, including Pennsylvania, who are at least twenty-one years of age at the time of purchase. No purchase of alcohol is necessary to redeem the rebate and the offer is scheduled to begin on April 1, 2017, and run until April 1, 2018.

OPINION: Given the contents of the proposed rebate, the rebate is subject to section 498 of the Liquor Code, and appears to comport with such section. 47 P.S. § 4-498. It further appears from the point of sale (“POS”) material that there is no purchase of alcohol necessary to redeem the rebate, and therefore, the rebate is not subject to section 493 of the Liquor Code. 47 P.S. § 4-493.

Therefore, it would be permissible to conduct the proposed rebate offer 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 spirit stores, subject to approval of the Bureau of Product Selection (POS only).
- 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.

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

LCB Advisory Opinion No. 17-023