

December 17, 2018

Emily Robbins
VIA E-MAIL

RE: Money-Back Guarantee

Dear Ms. Robbins:

ISSUE: This office is in receipt of your e-mail of November 15, 2018, wherein you inquire if money-back guarantees are permissible.

Pennsylvania Liquor Control Board (“PLCB”) records indicate that Constellation Brands, Inc. holds Vendor Permit No. VP-707 (LID 58904) for use by it at premises located at 235 North Bloomfield Road, Canandaigua, New York.

OPINION: Please be advised that it is unlawful for any licensee, or its servants, agents or employees, to offer, pay, make or allow, or to solicit or receive, any allowance or rebate, refunds or concessions, whether in the form of money or otherwise, to induce directly the purchase of liquor or malt or brewed beverages. 47 P.S. 4-493(22). However, this office has historically allowed an exception for a refund policy associated with a product satisfaction guarantee program. The PLCB generally views a consumer satisfaction, money-back guarantee program as one that uses terms such as: satisfaction guaranteed, completely satisfied, and the requirement to express a reason for the dissatisfaction. There generally would not be a requirement to obtain approval from the PLCB, and neither the Liquor Code nor the PLCB’s Regulations impose any specific requirements regarding the method of refunding the product.

Moreover, please be advised that any refund cannot exceed one hundred percent of the original purchase price.

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,

A handwritten signature in cursive script that reads "Rodrigo J. Diaz".

RODRIGO J. DIAZ
CHIEF COUNSEL

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement
Tisha Albert, Director of Office of Regulatory Affairs
B.L. Peifer, Director, Bureau of Licensing

LCB Advisory Opinion No. 18-445