

January 11, 2019

Allison O'Donnell
Account Coordinator
Avid Marketing Group
100 Corporate Place, Suite 200
Rocky Hill, CT 06067
VIA E-MAIL

RE: Crabbie's Mail-In Rebate (STK906966W)

Dear Ms. O'Donnell:

ISSUE: This correspondence is in response to your e-mail dated December 13, 2018, wherein you request approval to conduct a mail-in rebate promotion in Pennsylvania.

According to the sample coupon you provided, consumers can save \$3.00 on the purchase of two four-packs of 11.2-ounce bottles **or** one eight-pack of 11.2-ounce cans of any Crabbie's Original Alcoholic Ginger Beer, Crabbie's Orange, **or** Crabbie's Raspberry. You confirmed this information in a follow-up telephone conversation on December 17, 2018. To redeem the rebate, consumers must capture a picture of the receipt proving purchase and submit this along with their e-mail address electronically. It is assumed this information will be submitted on a relevant website. Once the purchase is verified, the \$3.00 rebate will be sent via PayPal or be mailed by check to participants. The rebate promotion was scheduled to begin on January 1, 2019 and ends on March 31, 2019. The rebate is only open to adults who are at least twenty-one years of age at the time of purchase. There is a limit of one coupon, per person, e-mail address and receipt.

OPINION: This office has reviewed the proposed rebate offer and has determined that it comports 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, so long as the rebate is used towards the purchase of a single type of product. For example, this means the purchase of two four-packs of Crabbie's Original Alcoholic Ginger Beer would be an acceptable use of this rebate. Conversely, the rebate would be permissible if the rebate gave consumers an option to purchase either one four-pack of Crabbie's Original Alcoholic Ginger Beer **or** one eight-pack of Crabbie's Orange. The required purchase of one four-pack of Crabbie's Original Alcoholic Ginger Beer **and** one eight-pack of Crabbie's Orange, however, would not be an acceptable use of this rebate, in that they are different types of items.

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 & 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, so long as the rebate is used towards the purchase of a single product or the rebate is used towards the purchase of any named Crabbie's product, it would be permissible to conduct the proposed rebate offer 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 Fine Wine & Good Spirits 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

LCB Advisory Opinion No. 18-485