

January 28, 2019

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

RE: Folio Ricasoli Mail-in-Rebate

Dear Mr. Romine:

ISSUE: This correspondence is in response to your e-mail dated January 7, 2019, wherein you request approval to conduct a mail-in rebate promotion in Pennsylvania.

According to the sample coupon you provided, consumers can save \$1.00, \$6.00, **or** \$18.00 on one, three, **or** six 750 mL bottles of Ricasoli Chianti DOCG wine **or** \$1.00, \$4.00, **or** \$12.00 on one, three, **or** six 750 mL bottles of Ricasoli Toscana IGT wine, respectively. To redeem the rebate, consumers must mail the completed mail-in rebate offer with the store receipt to the address specified on the form. The rebate promotion was scheduled to begin on September 1, 2018 and ends on December 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, per address, and per household.

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.

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

LCB Advisory Opinion No. 19-008