



September 16, 2020

David Romine
Alcohol Beverage Specialist
357 Castleton View Road
Castleton, VA 22716
On behalf of Flat Top Hills
VIA E-MAIL

RE: Flat Top Hills Instant Rebate Coupons

Dear Mr. Romine:

ISSUE: This correspondence is in response to your e-mail dated August 30, 2020, wherein you request approval to conduct three instant rebate promotions in Pennsylvania.

According to the first sample coupon you provided, consumers will receive an instant \$1.00 rebate on the purchase of any bottle of Flat Top Hills wine. The rebate promotion was scheduled to begin on September 1, 2020 and ends on December 31, 2020. 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 offer per purchase.

According to the second sample coupon you provided, consumers will receive an instant \$1.00 rebate on the purchase of any two magic seasoning blends (two ounces or larger) and Flat Top Hills wine. The rebate promotion was scheduled to begin on September 1, 2020 and ends on December 31, 2020. 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 offer per purchase.

According to the third sample coupon you provided, consumers will receive an instant \$1.00 rebate on the purchase of a five-pound bag of Idaho[®] Potatoes and Flat Top Hills wine. The rebate promotion was scheduled to begin on September 1, 2020 and ends on December 31, 2020. 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 offer per purchase.

OPINION: With regard to the first rebate coupon, 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.

With regard to the second and third rebate coupons, this office has reviewed the proposed rebate offers and has determined that they do not comport with the applicable liquor laws and regulations, specifically subsection 493(24)(i) of the Liquor Code, 47 P.S. § 4-493(24)(i), and are **not acceptable** for use in this Commonwealth.

Section 493(24)(i) of the Liquor Code generally prohibits licensees from offering anything of value to induce the purchase of alcoholic beverages. 47 P.S. § 4-493(24)(i). Although section 493(24)(i) provides an exception for manufacturers and agents of manufactures to offer monetary rebates on purchases of wine and spirits through the Pennsylvania Liquor Control Board's ("PLCB") Fine Wine & Good Spirits stores, there is no exception allowing coupons to offer discounts on non-alcoholic products with the purchase of alcohol. Therefore, if a promotion requires a consumer to purchase alcohol in order to receive a discount on a non-alcoholic product, it would be an unlawful inducement under section 493(24)(i). If, however, no alcohol purchase is required to obtain the coupon, then such promotion is not subject to the Liquor Code's inducement prohibition.

In this case, the purchase of a bottle of wine is required to obtain the rebate on the spices and potatoes. Therefore, the rebates would be considered an unlawful inducement to purchase alcohol in violation of section 493(24)(i) and **would not be permitted** because an alcohol purchase is required to receive a rebate or coupon on a non-alcoholic product.

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 Fine Wine & Good 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).

Therefore, with regard to the **first** rebate coupon, it would be permissible to conduct the proposed instant promotion 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 Fine Wine & Good Spirits stores, subject to approval of the Bureau of Product Selection.
- 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
Michael Demko, Executive Director
Elizabeth Brassell, Director of Policy & Communications
Stacy Kriedeman, Director, Marketing Communications
Thomas Bowman, Director, Bureau of Product Selection
Ra-lbpromo@pa.gov

LCB Advisory Opinion No. 20-216

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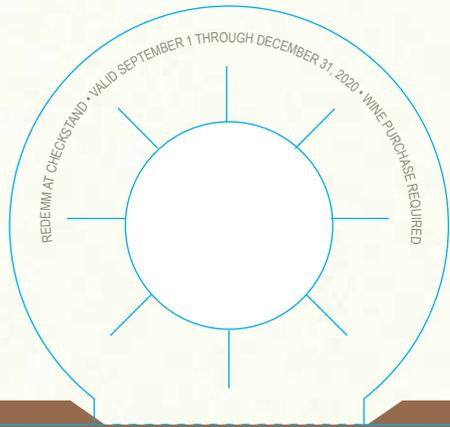
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SAVE UP TO \$3
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Get Recipe!
Find Chef Paul's famous
Turducken inside!



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SAVE \$1 NOW
on any Flat Top Hills wine

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Wine Purchase Required



SAVE \$1 NOW
Chef Paul Prudhomme's Magic Spice
and Flat Top Hills Wine



Wine Purchase Required



SAVE \$1 NOW
on 5 lb. Bag of Idaho® Potatoes
and Flat Top Hills Wine



**SAVE \$1 on 5 LB. BAG of IDAHO® POTATOES
and FLAT TOP HILLS WINE**

MANUFACTURER'S COUPON - REDEEM AT CHECKOUT
WINE PURCHASE REQUIRED - SEPTEMBER 1 THROUGH DECEMBER 31, 2020

Retailer: WPI will reimburse you the face value of this coupon plus 8 cents handling, provided you and your customer have complied with the terms of this offer. Coupons not properly redeemed will be void and held. Invoices proving purchase of sufficient stock to support coupon submissions must be provided upon request. You must be 21 years or older. Reproduction of this coupon is expressly prohibited. Any other use constitutes fraud. Coupon cannot be doubled. Consumers are limited to one coupon per purchase and are responsible for all taxes. Cash value is .0001 cents. Redemption or handling of this coupon not according to its terms constitutes fraud. All coupons must be received by two weeks after expiration of offer; all coupons received after two weeks of expiration will not be honored. Offer not available to C. Mondavi & Family employees, distributors, retailers, wholesalers or their respective employees.

Coupon expires December 31, 2020.

Send all coupons to: WPI/Flat Top Hills - Idaho® Potatoes #010796 Holiday 2020, 558 Westchester Avenue, Rye Brook, NY 10573.

0638307-010796



FT021806

**SAVE \$1 ON ANY TWO MAGIC SEASONING BLENDS (2oz. or larger)
and FLAT TOP HILLS WINE**

MANUFACTURER'S COUPON - REDEEM AT CHECKOUT
WINE PURCHASE REQUIRED - SEPTEMBER 1 THROUGH DECEMBER 31, 2020

CONSUMER: Redeem only by purchasing the two Magic Seasoning Blends (2oz. or larger) and Flat Top Hills wines. May not be reproduced. Void if transferred to any person, firm, or group prior to store redemption. LIMIT ONE COUPON PER PURCHASE. You must be 21 years or older.

RETAILER: Magic Seasonings Blend will reimburse you the face value of this coupon plus 8 cents handling in accordance with our redemption policy (copy available upon request). Offer not valid to C. Mondavi & Family employees, distributors, retailers, wholesalers or their respective employees. Consumer must pay any sales tax. Send all redeemed coupons to: Magic Seasoning Blends. Mandlik & Rhodes, PO Box 490 Dept #2073, Tecate, CA 91980 Cash value: 1/100¢.

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0047997-124190



FT021805

SAVE \$1 NOW ON ANY FLAT TOP HILLS WINE

MANUFACTURER'S COUPON - REDEEM AT CHECKSTAND
WINE PURCHASE REQUIRED - VALID SEPTEMBER 1 - DECEMBER 31, 2020

CONSUMER: Take this coupon to the checkout stand and save \$1.00 instantly on any Flat Top Hills wine. Limit one coupon per purchase. You must be 21 years or older. Reproduction, purchase, sale or trade of coupon, proof of purchase, or cash register receipt is prohibited. No doubling of coupons. Void where prohibited or restricted by law.

RETAILER: You will be reimbursed the face value plus 8 cents if submitted in compliance with our redemption policy which is available upon request. ANY OTHER USE CONSTITUTES FRAUD. Offer not available to C. Mondavi & Family employees, distributors, retailers, wholesalers or their respective employees. Consumer must pay sales tax. Invoices proving purchase of stock to cover coupons must be submitted upon request. Cash value 1/20 cent. Coupons received after 3/1/2021 will not be honored. Fraudulent submissions could result in federal prosecution under mail fraud statutes (18 U.S.C. § 1341-1342). Mail to: INMAR Offer FT021804, CMS Dept. 86012, One Fawcett Drive, Del Rio, TX 78840. Void where prohibited by law.

0086012-021804



FT021804

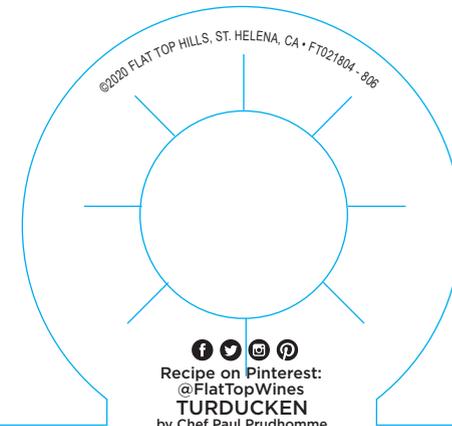
TURDUCKEN SHOPPING LIST:

Serves 24-30 people Prep Time 8 hours to cook and 1 hour to rest
Shopping List

- 1 chicken (3-4 pounds)
- 1 duckling (5-6 pounds)
- 1 turkey (15-20 pounds)
- 2 pounds duck or chicken giblets
- 2½ pounds Chef Paul Prudhomme's Andouille Smoked Sausage
- 4½ pounds medium onions (check qty)
- 3 pounds sweet potatoes, whole (about 4)
- 2 pounds whole eggplants (about 2)
- 3 whole eggs
- milk
- all-purpose flour
- baking powder
- 7 bay leaves
- evaporated milk
- very fine dry breadcrumbs, unseasoned (preferably French bread)
- Chef Paul Prudhomme's Meat Magic®
- Chef Paul Prudhomme's Poultry Magic®
- Chef Paul Prudhomme's Seafood Magic®
- Chef Paul Prudhomme's Vegetable Magic®
- Chef Paul Prudhomme's Magic Pepper Sauce®
- 1 (15x11inch) baking pan, at least 2 1/4 inches deep
- 1 pan larger than the 15x11 inch pan

Tools: 3 metal or bamboo skewers, 6 sheet pans, vegetable oil, aluminum foil, 1 small hammer

NOTE: The above is a complete list of everything you will need to make the Turducken. If you have questions about items needed for preparation, please give us a call toll-free at 1-800-457-2857.



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"The Dunnigan Hills hold a special place in my memory as the landscape where my cousins and I would play hide-and-seek and explore the vineyards. Those were carefree times where we could simply be ourselves. That's the spirit of Flat Top Hills."

Angelina Mondavi

Angelina Mondavi
Consulting Winemaker



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"Relaxing on my porch in the hills, looking up at the stars with a cigar and a glass of Cabernet Sauvignon – that's my Flat Top Hills moment."

Randy Herron

Randy Herron, Winemaker

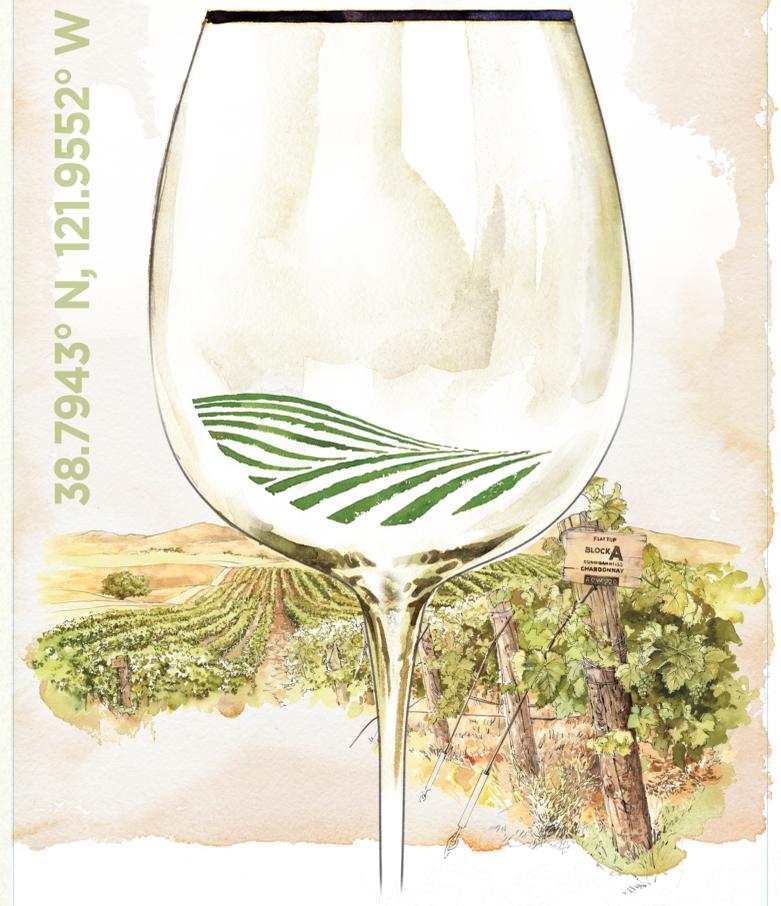


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38.7943° N, 121.9552° W



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