

Rebecca Bernhard  
Capital Wine & Spirits  
129 Hartman Road  
North Wales, PA 19454  
VIA E-MAIL: [rebecca\\_bernhard@charmer-sunbelt.com](mailto:rebecca_bernhard@charmer-sunbelt.com)

**RE: Win a trip to Francis Ford Coppola Winery Sweepstakes**

Dear Ms. Bernhard:

**ISSUE:** This correspondence is in response to your e-mail, forwarded to this office on July 30, 2013, in which you seek approval to conduct a sweepstakes promotion in Pennsylvania.

According to the official rules you provided, the "Win a trip to Francis Ford Coppola Winery Sweepstakes" promotion is scheduled to run from August 26, 2013, until September 30, 2013. Consumers may participate by completing an online entry form at [www.franciscoppolawinery.com/sweeps](http://www.franciscoppolawinery.com/sweeps) or by mail. On or about October 10, 2013, a grand prize winner will randomly be selected to receive a trip for two (2) to visit the Francis Ford Coppola Winery in Sonoma, California, including round-trip airfare, hotel accommodations for two (2) nights, lunches and dinners (alcoholic beverages excluded), and reimbursement for a car rental. The approximate retail value ("ARV") of the grand prize package is four thousand dollars (\$4,000.00). Additionally, five (5) first prize winners will each receive a Lazy Susan with an ARV of one hundred twenty-five dollars (\$125.00), and ten (10) second prize winners will each receive a Mammarella gift box with an ARV of twenty-four dollars and ninety-five cents (\$24.95). No purchase is necessary to enter, and the sweepstakes is open only to entrants who are twenty-one (21) years of age or older.

**OPINION:** Section 5.32(h) of the Pennsylvania Liquor Control Board's ("Board") Regulations states that a manufacturer or licensee may sponsor sweepstakes promotions subject to the following conditions:

- i. No purchase is necessary to enter.
- ii. Entrants shall be twenty-one (21) years of age or older.
- iii. Retail licensed premises may only be involved as pick-up or drop-off points for entry forms and not for the conducting of drawings or the awarding of prizes.
- iv. Alcoholic beverages may not be part of the prize.

[40 Pa. Code Section 5.32(h)].

This office has reviewed the proposed promotion and has determined that it comports with applicable liquor laws and regulations, specifically subsection 493(24) of the Liquor Code [47 P.S. Section 4-493(24)] and section 5.32(h) of the Board's Regulations [40 Pa. Code Section 5.32(h)], and is acceptable for use in this Commonwealth.

Therefore, it would be permissible to conduct this promotion in the Commonwealth, as indicated above, in reference to the areas checked below:

- retail licensed premises.
- distributor licensed premises.
- both retail and distributor licensed premises.
- the Board's wine and spirits stores, subject to approval of the Bureau of Product Management.
- 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. However, the requirement for prior approval of POS material intended for use in the Board's wine and spirits stores from the Bureau of Product Management remains. The total cost of all POS advertising material relating to any one (1) brand of any one (1) manufacturer at any one (1) time may not exceed three hundred dollars (\$300.00) on a retail licensed premises. [47 P.S. Section 4-493(20) (i)].

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.

Very truly yours,

FAITH S. DIEHL  
CHIEF COUNSEL

cc: Pennsylvania State Police,  
Bureau of Liquor Control Enforcement  
James Short, Director of Marketing  
Timothy Fringer, Bureau of Product Selection  
Michelle Bonsick, Bureau of Marketing Communications,  
Branding & Design

LCB Advisory Opinion No. 13-362