

Sarah Larsen
Paralegal
Jackson Family Wines, Inc.
421 Aviation Boulevard
Santa Rosa, CA 95403
VIA E-MAIL: sarah.larsen@jfwmail.com

RE: Murphy-Goode Homefront Red Facebook Sweepstakes

Dear Ms. Larsen:

ISSUE: This correspondence is in response to your e-mail and attached letter of August 23, 2013, in which you request approval to run the Murphy-Goode Homefront Red Facebook Sweepstakes in Pennsylvania.

According to the "Official Rules" that you provided, the sweepstakes is scheduled to begin on September 12, 2013, and runs until October 14, 2013. The sweepstakes is open only to legal residents of the United States and the District of Columbia who are at least twenty-one (21) years of age or older at the time of entry. No purchase is necessary to enter or win the sweepstakes.

Interested individuals may enter the sweepstakes online by logging onto the Murphy-Goode Facebook page, clicking on the "Homefront Red Sweepstakes" link or the "Sweepstakes" application icon, and following the instructions to complete an entry. Persons entering online may also receive one (1) additional entry by electing to "share" the fact of their entry in the sweepstakes with friends. Alternatively, interested individuals may enter the sweepstakes by mailing their name, street address, city and state, e-mail address, phone number, and date of birth to the address specified in the "Official Rules." Persons responding by mail will automatically receive two (2) entries into the sweepstakes.

One (1) grand prize and two (2) first prizes will be awarded for the sweepstakes. The winners will be selected in a random drawing, to be conducted on or about October 18, 2013, from among all eligible entries received.

The grand prize winner will receive a trip for (2) to the 2013 Bell Helicopter Armed Forces Bowl. The trip includes the following: two (2) round-trip coach airfare tickets from the major commercial airport closest to the grand prize winner's home to Fort Worth, Texas; two (2) nights' lodging (one standard room, double occupancy); two (2) tickets to the 2013 Bell Helicopter Armed Forces Bowl on December 30, 2013; and a one thousand five hundred dollar (\$1,500.00)-prepaid gift card. Alcoholic beverages are not part of the grand prize. The approximate retail value of the grand prize is four thousand dollars (\$4,000.00). The grand prize winner's travel companion must be twenty-one (21) years of age or older at the time of travel.

The two (2) first prize winners will each receive a Murphy-Goode Prize Pack containing Murphy-Goode souvenir items and apparel. The approximate retail value of each first prize is one hundred dollars (\$100.00). Alcoholic beverages are not part of the first prizes.

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 sweepstakes 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, as long as alcoholic beverages are not being awarded as any part of prizes.

While the "Official Rules" that you provided indicate that alcoholic beverages are not part of the grand prize or the first prizes being awarded, it is important to point out, in case you are unaware, that to the extent that any part of the trip being awarded as the grand prize will involve sampling, taste testing, or the provision of alcoholic beverages at no additional cost to the winner and/or his or her guest, this would be construed as awarding alcoholic beverages as part of the prize and is not permitted.

Furthermore, 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 Selection 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)].

Therefore, as long as alcoholic beverages are not awarded as part of the prizes, it is permissible to conduct this promotion in the Commonwealth in reference to the areas checked below:

- retail licensed premises.
- distributor licensed premises.
- both retail and distributor licensed premises.
- the Board's wine and spirit 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.

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, Marketing Communications, Branding and Design

LCB Advisory Opinion No. 13-410