

October 29, 2013

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**RE: Don Miguel Gascon “GQ What to Wear Now” Facebook
Sweepstakes and La Marca “Show Us Your Sparkle” Sweepstakes**

Dear Ms. Forbes:

ISSUE: This correspondence is in response to your e-mail of October 9, 2013, which was forwarded to this office on October 18, 2013, wherein you seek approval to conduct the following two (2) sweepstakes promotions in Pennsylvania: The Don Miguel Gascon “GQ What to Wear Now” Facebook Sweepstakes; and the La Marca “Show Us Your Sparkle” Sweepstakes.

The Don Miguel Gascon “GQ What to Wear Now” Facebook Sweepstakes was scheduled to begin on October 7, 2013, and runs until November 8, 2013. Interested individuals may enter this sweepstakes by visiting the Don Miguel Gascon page on Facebook, www.facebook.com/DonMiguelGascon, during the sweepstakes period, “liking” the page, and completing an entry form. There is a limit of one (1) entry per person/e-mail address. Two hundred fifty (250) prize winners will be awarded for this sweepstakes. The winners will be selected in a random drawing, from among all eligible entries received, to be conducted on or about November 11, 2013. Each winner will receive one (1) sponsor-specified magazine and one (1) drink coaster. The approximate retail value of each prize is fourteen dollars (\$14.00). The sweepstakes is open only to legal residents of the fifty (50) United States or the District of Columbia who are twenty-one (21) years of age or older. No purchase is necessary to enter or win.

The La Marca “Show Us Your Sparkle” Sweepstakes is scheduled to begin on November 1, 2013, and runs until December 15, 2013. Interested individuals may enter the sweepstakes by visiting the La Marca page on Facebook, www.facebook.com/lamarcaprosecco, during the sweepstakes entry period, “liking”

the page, completing an entry form, and submitting a short paragraph essay that explains how La Marca makes their life sparkle. Interested individuals also have the option of uploading an original photograph along with the essay. The essay must be in English and cannot exceed two hundred (200) characters. The photograph, if submitted, must not exceed three Megabytes (3MB) and must be in JPEG or .JPG format. The essay and photograph are also subject to certain content restrictions as set forth in the "Official Rules." There is a limit of one (1) entry per person/e-mail address/Facebook account. Five (5) prize winners will be awarded for this sweepstakes. The winners will be selected in a random drawing, from among all eligible entries received, to be conducted on or about December 16, 2013. Each prize winner will receive La Marca-inspired jewelry collections created by Louise Loirette Jewelry. The approximate retail value of each jewelry collection is one thousand, sixty-two dollars (\$1,062.00). The sweepstakes is open only to legal residents of the fifty (50) United States or the District of Columbia who are twenty-one (21) years of age or older at the time of entry. No purchase is necessary to enter or win.

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 § 5.32(h)].

This office has reviewed the proposed sweepstakes promotions and has determined that they comport with applicable liquor laws and regulations, specifically subsection 493(24) of the Liquor Code [47 P.S. § 4-493(24)] and section 5.32(h) of the Board's Regulations [40 Pa. Code § 5.32(h)], and are 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 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. § 4-493(20) (i)].

Therefore, it is permissible to conduct the proposed sweepstakes promotions 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 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 and Merchandising
Michelle Bonsick, Director, Bureau of Marketing Communications,
Branding & Design
Pamela Bernd, Bureau of Product Selection

LCB Advisory Opinion No. 13-473