

December 10, 2013

Telephone: (717) 783-9454

FAX: (717) 787-8820

Janis A. Carlow  
Assistant to Lou Giordano  
Vice President, Off Premise  
Lantern Division  
Southern Wine & Spirits  
1600 Northwest 163rd Street  
Miami, FL 33169

**RE: Robert Mondavi Private Selection “For Real” Sweepstakes**

Dear Ms. Carlow:

ISSUE: This correspondence is in response to your e-mail sent November 25, 2013, wherein you request approval to conduct the Robert Mondavi Private Selection “For Real” Sweepstakes in Pennsylvania.

According to the “Official Rules” that you submitted for review, the sweepstakes is scheduled to begin on March 1, 2014, and runs until May 31, 2014. The sweepstakes is open only to legal residents of the United States and the District of Columbia who are twenty-one (21) years of age or older. No purchase is necessary to enter or win the sweepstakes.

Interested individuals may enter the sweepstakes by texting “FOR REAL” to 47464. Alternatively, interested individuals may enter by writing their name, age, address, city, state, zip code, daytime phone number, and e-mail address on a three (3)-inch by five (5)-inch piece of paper and mailing to the address specified in the “Official Rules.” There is a limit of one (1) entry per person per day, regardless of the method of entry.

OPINION: Section 5.32(h) of the Board’s 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 promotion as described in the “Official Rules” you provided and determined that it comports with applicable liquor laws and regulations, specifically section 493(24)(i) of the Liquor Code [47 P.S. § 4-493(24)(i)] and section 5.32(h) of the Board’s Regulations [40 Pa. Code § 5.32(h)].

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. § 4-493(20)(i)].

Therefore, 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 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, Product Selection

LCB Advisory Opinion No. 13-513