

February 6, 2014

Telephone: (717) 783-9454

FAX: (717) 787-8820

Mary A. Monahan  
Marketing Assistant  
Excelsior Wine & Spirits  
1111 Cedar Swamp Road  
Old Brookville, NY 11545

**RE: Frontera Wine Frame of Mind Las Vegas Getaway Sweepstakes**

Dear Ms. Monahan:

ISSUE: This correspondence is in response to your e-mail and attached letter dated January 28, 2014, in which you seek approval to run a sweepstakes promotion in Pennsylvania.

According to the official rules you provided, the “Frontera Wine Frame of Mind Las Vegas Getaway Sweepstakes” promotion is scheduled to run from February 1 through June 30, 2014. Consumers may participate by completing an online entry form at the promotional website or by mail. On or about August 1, 2014, one (1) entrant will randomly be selected to receive the grand prize of a trip for four (4) to Las Vegas, Nevada, including round-trip airfare and hotel accommodations for three (3) nights. In addition, two (2) first prize winners will each receive a VIP bowling party for ten (10) people at a local bowling center, and four (4) second prize winners will each receive a bowling party for four (4) people at a local bowling center. The sweepstakes is open only to legal U.S. residents who are twenty-one (21) years of age or older, and no purchase is necessary to enter.

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 promotion and has determined that it comports with applicable liquor laws and regulations, specifically subsection 493(24) of the Liquor Code and section 5.32(h) of the Board's Regulations [47 P.S. § 4-493(24); 40 Pa. Code § 5.32(h)] and is acceptable for use in this Commonwealth, assuming alcoholic beverages will not be part of the prizes.

Therefore, it would be permissible to conduct these 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 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. § 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

Mary Monahan  
February 6, 2014  
Page 3

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. 14-019