

March 13, 2014

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**RE: Thorny Rose Lollapalooza Sweepstakes**

Dear Ms. Carlow:

ISSUE: This correspondence is in response to your e-mail sent March 4, 2014, which was forwarded to this office on March 7, 2014, wherein you request approval to conduct the Thorny Rose Lollapalooza Sweepstakes in Pennsylvania.

According to the "Official Rules" that you provided, the sweepstakes will begin on May 1, 2014, and runs until to June 30, 2014. No purchase is necessary to enter or win the sweepstakes. 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.

Interested individuals may enter the sweepstakes online, via text message, or by mail. There is a limit of one (1) entry per person or e-mail address per day.

One (1) prize will be awarded for the sweepstakes. The prize winner will be selected on or about July 7, 2014 in a random drawing. The prize winner will receive a trip for the winner and one (1) guest to attend the 2014 Lollapalooza music event scheduled for August 1, 2014 to August 3, 2014, in Chicago, Illinois. The trip includes the following: roundtrip coach air transportation from a major airport nearest the winner's residence to Chicago; two (2) nights double-occupancy hotel accommodations; five hundred dollars (\$500.00) spending money, and three (3)-day event admission for two (2) people (having an approximate retail value of four hundred dollars (\$400.00) per pair) to the Lollapalooza music event. The total approximate retail value of the prize is three thousand five hundred dollars

(\$3,500.00). The prize does not include alcoholic beverages. The winner's travel companion must be a legal U.S. resident who is 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, a manufacturer's representative, or a 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 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)], and is acceptable for use in this Commonwealth, as long as no alcoholic beverages are awarded as part of the prize.

While the "Official Rules" indicate that no alcoholic beverages will be awarded as part of the prize, please be advised that to the extent that any part of the trip being awarded as the prize, including the three (3)-day admission to the Lollapalooza music event, involves taste testing, sampling, or the provision of alcohol at no additional cost to the winner and/or his or her guest, this would be considered awarding alcoholic beverages as part of the prize and is not permitted.

Further, please be advised that prior approval of malt or brewed beverages point-of-sale ("POS") material and prior approval of 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, as long as the prize being awarded does not include any alcoholic beverages, it is permissible to conduct this sweepstakes 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 and Merchandising  
Michelle Bonsick, Director, Bureau of Marketing Communications,  
Branding & Design  
Pamela Bernd, Product Selection

LCB Advisory Opinion No. 14-073