

March 13, 2014

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Jessica LeMin
Assistant Marketing Manager
Capital Wine & Spirits
129 Hartman Road
North Wales, PA 19454

RE: Gourmet Steak Gift Basket Sweepstakes

Dear Ms. LeMin:

ISSUE: This correspondence is in response to your e-mail sent March 7, 2014, in which you request approval, on behalf of Capital Wine & Spirits, to conduct the Gourmet Steak Gift Basket Sweepstakes in Pennsylvania.

According to the point-of-sale (“POS”) materials that you provided, the sweepstakes will run from the time of approval to May 10, 2014. No purchase is necessary to enter or win the sweepstakes. The sweepstakes is open only to residents of Pennsylvania who are twenty-one (21) years of age or older. Interested individuals may enter the sweepstakes by completing the entry form and mailing it to the address set forth on the form. There is a limit of one (1) entry per household. Four (4) gourmet steak gift baskets will be awarded for the sweepstakes. The winners will be selected in a random drawing to be conducted on or about May 20, 2014.

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 the gift baskets being awarded as prizes do not contain any alcoholic beverages.

Please be advised that prior approval of malt or brewed beverages 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 prizes being awarded do 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

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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. 14-076