

Janis A. Carlow
Assistant to Lou Giordano
Vice President, Off Premise
Lantern Division
Southern Wine & Spirits
VIA E-MAIL: Janis.Carlow@southernwine.com

RE: Thorny Rose Wines Monthly Giveaways Sweepstakes

Dear Ms. Carlow:

ISSUE: This correspondence is in response to your e-mail sent February 26, 2014, which was forwarded to this office on March 7, 2014, wherein you request approval to run the Thorny Rose Wines Monthly Giveaways Sweepstakes in Pennsylvania.

According to the "Official Rules" that you provided with your e-mail, the sweepstakes was scheduled to begin on March 13, 2014, and runs until February 13, 2015. Interested individuals may enter the sweepstakes by visiting www.facebook.com/thornyrosewines and posting a comment during the applicable monthly giveaway period, or by signing into their Twitter account at www.Twitter.com and following the instructions to become a follower of Thorny Rose Wines at <https://twitter.com/ThornyRoseWines>. Interested individuals must be a member of Facebook or have a Twitter account in order to participate.

The sweepstakes is comprised of the following twelve (12) monthly giveaway periods: (1) March 13, 2014 – March 14, 2014; (2) April 17, 2014 – April 18, 2014; (3) May 15, 2014 – May 16, 2014; (4) June 12, 2014 – June 13, 2014; (5) July 10, 2014 – July 11, 2014; (6) August 14, 2014 – August 15, 2014; (7) September 18, 2014 – September 19, 2014; (8) October 16, 2014 – October 17, 2014; (9) November 13, 2014 – November 14, 2014; (10) December 11, 2014 – December 12, 2014; (11) January 15, 2015 – January 16, 2015; and (12) February 12, 2015 – February 13, 2015.

Twelve (12) prize winners will be selected for the first monthly giveaway period. Each prize winner will receive a Thorny Rose wine label signed by Walk the Moon, which has an approximate retail value of five dollars (\$5.00).

One (1) prize winner will be selected for the second monthly giveaway period. The prize winner will receive a Thorny Rose flask having an approximate retail value of forty-eight dollars (\$48.00).

Ten (10) prize winners will be selected for the third monthly giveaway period. Each prize winner will receive Thorny Rose sunglasses having an approximate retail value of eleven dollars and twenty-five cents (\$11.25).

Two (2) prize winners (one (1) male and one (1) female) will be selected for the fourth monthly giveaway period. Each prize winner will receive a Thorny Rose t-shirt having an approximate retail value of eleven dollars and twenty-five cents (\$11.25).

Ten (10) prize winners will be selected for the fifth monthly giveaway period. Each prize winner will receive Thorny Rose sunglasses having an approximate retail value of eleven dollars and twenty-five cents (\$11.25).

Five (5) prize winners will be selected for the sixth monthly giveaway period. Each prize winner will receive a Thorny Rose water bottle having an approximate retail value of two dollars and eighty-one cents (\$2.81).

Two (2) prize winners (one (1) male and one (1) female) will be selected for the seventh monthly giveaway period. Each prize winner will receive a Thorny Rose t-shirt having an approximate retail value of eleven dollars and twenty-five cents (\$11.25).

One (1) prize winner will be selected for the eighth monthly giveaway period. The prize winner will receive a Thorny Rose branded Jenga set having an approximate retail value of fifty dollars (\$50.00).

Two (2) prize winners (one (1) male and one (1) female) will be selected for the ninth monthly giveaway period. Each prize winner will receive a Thorny Rose t-shirt having an approximate retail value of eleven dollars and twenty-five cents (\$11.25).

One (1) prize winner will be selected for the tenth monthly giveaway period. The prize winner will receive a Thorny Rose flask having an approximate retail value of forty-eight dollars (\$48.00).

Two (2) prize winners (one (1) male and one (1) female) will be selected for the eleventh monthly giveaway period. Each prize winner will receive a Thorny Rose t-shirt having an approximate retail value of eleven dollars and twenty-five cents (\$11.25).

Two (2) prize winners (one (1) male and one (1) female) will be selected for the twelfth monthly giveaway period. Each prize winner will receive a Thorny Rose t-shirt having an approximate retail value of eleven dollars and twenty-five cents (\$11.25).

All prize winners will be selected in random drawings conducted on or about three (3) days following the end of each monthly giveaway period. There is a limit of one (1) prize per household during the entire sweepstakes period. The prizes do not include any alcoholic beverages.

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 as of the date of entry.

OPINION: Section 5.32(h) of the Pennsylvania Liquor Control Board's ("Board") Regulations states that a manufacturer, manufacturer's representative, 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 Section 5.32(h)].

This office has reviewed the proposed sweepstakes promotion and has determined that it comports with applicable liquor laws and regulations, specifically subsection 493(24) of the Liquor Code [47 P.S. Section 4-493(24)] and section 5.32(h) of the Board's Regulations [40 Pa. Code Section 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. Section 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 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
Michelle Bonsick, Director, Bureau of Marketing Communications,
Branding & Design
Pamela Bernd, Product Selection

LCB Advisory Opinion No. 14-083