

Janis A. Carlow  
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Lantern Division  
Southern Wine & Spirits  
**VIA E-MAIL:** [Janis.Carlow@southernwine.com](mailto:Janis.Carlow@southernwine.com)

**RE: Estancia 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 Estancia Monthly Giveaways Sweepstakes in Pennsylvania.

According to the "Official Rules" that you provided with your e-mail, the sweepstakes is scheduled to begin on March 19, 2014, and runs until February 12, 2015. Interested individuals may enter the sweepstakes by visiting [www.facebook.com/EstanciaWines](http://www.facebook.com/EstanciaWines) and posting a comment during the applicable monthly giveaway period. Interested individuals must be a member of Facebook in order to participate.

The sweepstakes is comprised of the following twelve (12) monthly giveaway periods: (1) March 19, 2014 – March 20, 2014; (2) April 16, 2014 – April 17, 2014; (3) May 14, 2014 – May 15, 2014; (4) June 18, 2014 – June 19, 2014; (5) July 16, 2014 – July 17, 2014; (6) August 13, 2014 – August 14, 2014; (7) September 17, 2014 – September 18, 2014; (8) October 15, 2014 – October 16, 2014; (9) November 12, 2014 – November 13, 2014; (10) December 17, 2014 – December 18, 2014; (11) January 14, 2015 – January 15, 2015; and (12) February 11, 2015 – February 12, 2015.

Six (6) prize winners will be selected for the first monthly giveaway period. Each prize winner will receive an Estancia candle having an approximate retail value of forty-four dollars (\$44.00).

Five (5) prize winners will be selected for the second monthly giveaway period. Each prize winner will receive an Estancia yoga mat having an approximate retail value of sixteen dollars and fifty cents (\$16.50).

Five (5) prize winners will be selected for the third monthly giveaway period. Each prize winner will receive an Estancia party kit that includes a chiller bucket, corkscrew, and four (4) glasses. Each party kit has an approximate retail value of thirty dollars (\$30.00).

Five (5) prize winners will be selected for the fourth monthly giveaway period. Each prize winner will receive an Estancia bar kit that includes a stainless steel coaster, a polishing cloth, a drink shaker, and a bar towel. Each bar kit has an approximate retail value of fifty-five dollars (\$55.00).

Five (5) prize winners will be selected for the fifth monthly giveaway period. Each prize winner will receive an Estancia yoga mat having an approximate retail value of sixteen dollars and fifty cents (\$16.50).

Five (5) prize winners will be selected for the sixth monthly giveaway period. Each prize winner will receive an Estancia party kit that includes a chiller bucket, corkscrew, and four (4) glasses. Each party kit has an approximate retail value of thirty dollars (\$30.00).

Five (5) prize winners will be selected for the seventh monthly giveaway period. Each prize winner will receive an autographed Gail Simmons Recipes and Entertaining Tips book, an Estancia apron, and an oven mitt. Each prize has an approximate retail value of twenty-six dollars (\$26.00).

Six (6) prize winners (three (3) males and three (3) females) will be selected for the eighth monthly giveaway period. Each prize winner will receive an Estancia jacket having an approximate retail value of thirty dollars (\$30.00).

Five (5) prize winners will be selected for the ninth monthly giveaway period. Each prize winner will receive an autographed Gail Simmons Recipes and Entertaining Tips book, an Estancia apron, and an oven mitt. Each prize has an approximate retail value of twenty-six dollars (\$26.00).

Five (5) prize winners will be selected for the tenth monthly giveaway period. Each prize winner will receive an Estancia bar kit that includes a stainless steel coaster, a polishing cloth, a drink shaker, and a bar towel. Each bar kit has an approximate retail value of fifty-five dollars (\$55.00).

Five (5) prize winners will be selected for the eleventh monthly giveaway period. Each prize winner will receive an Estancia yoga mat having an approximate retail value of sixteen dollars and fifty cents (\$16.50).

Six (6) prize winners (three (3) males and three (3) females) will be selected for the twelfth monthly giveaway period. Each prize winner will receive an Estancia jacket having an approximate retail value of thirty dollars (\$30.00).

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  
Office of the Director of Marketing and Merchandising  
Michelle Bonsick, Director, Bureau of Marketing Communications,  
Branding & Design  
Pamela Bernd, Product Selection

LCB Advisory Opinion No. 14-084