

March 18, 2014

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Janis A. Carlow
Assistant to Lou Giordano
Vice President, Off Premise
Lantern Division
Southern Wine & Spirits

RE: Toasted Head 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 Toasted Head Wines 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 18, 2014, and runs until February 18, 2015. Interested individuals may enter the sweepstakes by visiting www.facebook.com/toastedheadwine 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 18, 2014 – March 19, 2014; (2) April 22, 2014 – April 23, 2014; (3) May 20, 2014 – May 21, 2014; (4) June 24, 2014 – June 25, 2014; (5) July 22, 2014 – July 23, 2014; (6) August 29, 2014 – August 30, 2014; (7) September 23, 2014 – September 24, 2014; (8) October 21, 2014 – October 22, 2014; (9) November 18, 2014 – November 19, 2014; (10) December 16, 2014 – December 17, 2014; (11) January 20, 2015 – January 21, 2015; and (12) February 17, 2015 – February 18, 2015.

Nine (9) prize winners will be selected for the first monthly giveaway period. Each prize winner will receive a set of four (4) Toasted Head coasters having an approximate retail value of five dollars and twenty-eight cents (\$5.28).

Six (6) prize winners will be selected for the second monthly giveaway period. Each prize winner will receive a Toasted Head cotton tote having an approximate retail value of thirty-seven dollars and seventy-seven cents (\$37.77).

Six (6) prize winners will be selected for the third monthly giveaway period. Each prize winner will receive a Toasted Head two (2) bottle tote having an approximate retail value of eleven dollars and eighty-two cents (\$11.82).

Six (6) prize winners will be selected for the fourth monthly giveaway period. Each prize winner will receive a Toasted Head baseball cap having an approximate retail value of ten dollars and twenty-three cents (\$10.23).

Six (6) prize winners will be selected for the fifth monthly giveaway period. Each prize winner will receive a Toasted Head bottle chiller having an approximate retail value of twenty-one dollars and eleven cents (\$21.11).

Six (6) prize winners will be selected for the sixth monthly giveaway period. Each prize winner will receive a Toasted Head men's t-shirt having an approximate retail value of eight dollars and twenty-six cents (\$8.26).

Six (6) prize winners will be selected for the seventh monthly giveaway period. Each prize winner will receive a Toasted Head baseball cap having an approximate retail value of ten dollars and twenty-three cents (\$10.23).

Six (6) prize winners will be selected for the eighth monthly giveaway period. Each prize winner will receive a Toasted Head cotton tote having an approximate retail value of thirty-seven dollars and seventy-seven cents (\$37.77).

Six (6) prize winners will be selected for the ninth monthly giveaway period. Each prize winner will receive a Toasted Head bottle chiller having an approximate retail value of twenty-one dollars and eleven cents (\$21.11).

Six (6) prize winners will be selected for the tenth monthly giveaway period. Each prize winner will receive a Toasted Head two (2) bottle tote having an approximate retail value of eleven dollars and eighty-two cents (\$11.82).

Seven (7) prize winners will be selected for the eleventh monthly giveaway period. Each prize winner will receive a Toasted Head men's t-shirt having an approximate retail value of eight dollars and twenty-six cents (\$8.26).

Nine (9) prize winners will be selected for the twelfth monthly giveaway period. Each prize winner will receive a set of four (4) Toasted Head coasters having an approximate retail value of five dollars and twenty-eight cents (\$5.28).

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 § 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. § 4-493(24)] and section 5.32(h) of the Board's Regulations [40 Pa. Code § 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. § 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. 14-086