

March 19, 2014

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Sarah Larsen
Paralegal
Jackson Family Wines, Inc.
421 Aviation Boulevard
Santa Rosa, CA 95403

RE: A Few Goode Heroes Essay Contest

Dear Ms. Larsen:

ISSUE: This correspondence is in response to your e-mail and attached letter of March 6, 2014, in which you request approval to conduct a contest promotion in Pennsylvania sponsored by Murphy-Goode Winery.

According to the official rules you provided, the “A Few Goode Heroes’ Essay Contest” promotion is scheduled to run from April 2 through 30, 2014. Consumers may participate by submitting an original essay via Facebook or the promotional website. A panel of judges will select four (4) entrants to each receive a “Hero Prize” of a five hundred dollar (\$500.00) donation made in the winner’s name to a nonprofit organization of the winner’s choice. In addition, one (1) entrant will be selected to receive the “Super Hero Prize” of a one thousand dollar (\$1,000.00) donation made in the winner’s name to a nonprofit organization of the winner’s choice. A matching donation will also be made in each winner’s name to Operation Homefront. The promotion is limited to entrants twenty-one (21) years of age or older, and no purchase is necessary to enter.

OPINION: Section 5.32(h) of the Pennsylvania Liquor Control Board’s (“Board”) Regulations states that a manufacturer 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 promotion and determined that it comports with applicable liquor laws and regulations, specifically section 493(24)(i) of the Liquor Code

and section 5.32(h) of the Board's Regulations [47 P.S. § 4-493(24)(i); 40 Pa. Code § 5.32(h)].

Therefore, it would be 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.
- 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. 14-088