

March 26, 2014

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**E: Rex Goliath Wines Monthly Giveaways Sweepstakes**

Dear Ms. Carlow:

ISSUE: This correspondence is in response to your e-mail sent March 19, 2014, which was forwarded to this office on March 20, 2014, wherein you request approval to run the Rex Goliath Wines Monthly Giveaways Sweepstakes in Pennsylvania.

According to the “Official Rules” that you provided, the sweepstakes is scheduled to begin on May 15, 2014, and runs until April 16, 2015. Interested individuals may enter the sweepstakes by visiting [www.facebook.com/rexgoliathwine](http://www.facebook.com/rexgoliathwine) 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) May 15, 2014 – May 16, 2014; (2) June 15, 2014 – June 16, 2014; (3) July 15, 2014 – July 16, 2014; (4) August 15, 2014 – August 16, 2014; (5) September 15, 2014 – September 16, 2014; (6) October 15, 2014 – October 16, 2014; (7) November 15, 2014 – November 16, 2014; (8) December 15, 2014 – December 16, 2014; (9) January 15, 2015 – January 16, 2015; (10) February 15, 2015 – February 16, 2015; (11) March 15, 2015 – March 16, 2015; and (12) April 15, 2015 – April 16, 2015.

Five (5) prize winners will be selected for the first monthly giveaway period. Each prize winner will receive a Rex Goliath cowboy hat, which has an approximate retail value of twelve dollars (\$12.00).

Five (5) prize winners will be selected for the second monthly giveaway period. Each prize winner will receive a Father’s Day Rex Goliath belt buckle having an approximate retail value of twelve dollars and ten cents (\$12.10).

Ten (10) prize winners will be selected for the third monthly giveaway period. Each prize winner will receive Rex Goliath sunglasses having an approximate retail value of one dollar and seventy-seven cents (\$1.77).

Twelve (12) prize winners will be selected for the fourth monthly giveaway period. Each prize winner will receive a Rex Goliath beach umbrella having an approximate retail value of sixteen dollars and twenty-five cents (\$16.25).

Five (5) prize winners will be selected for the fifth monthly giveaway period. Each prize winner will receive a Rex Goliath cornhole yard game having an approximate retail value of one hundred ninety-two dollars (\$192.00).

Five (5) prize winners will be selected for the sixth monthly giveaway period. Each prize winner will receive a Rex Goliath football jersey having an approximate retail value of eighteen dollars (\$18.00).

Ten (10) prize winners will be selected for the seventh monthly giveaway period. Each prize winner will receive a Thanksgiving Rex Goliath apron having an approximate retail value of thirteen dollars (\$13.00).

Twenty (20) prize winners will be selected for the eighth monthly giveaway period. Each prize winner will receive Rex Goliath holiday lights having an approximate retail value of ten dollars (\$10.00).

Five (5) prize winners will be selected for the ninth monthly giveaway period. Each prize winner will receive a Rex Goliath football jersey having an approximate retail value of eighteen dollars (\$18.00).

Twelve (12) prize winners will be selected for the tenth monthly giveaway period. Each prize winner will receive a Rex Goliath wine tote for two (2) bottles having an approximate retail value of eleven dollars and eighty-two cents (\$11.82).

One (1) prize winner will be selected for the eleventh monthly giveaway period. The prize winner will receive a Rex Goliath foam basketball and jersey having an approximate retail value of thirty-three dollars (\$33.00).

One (1) prize winner will be selected for the twelfth monthly giveaway period. The prize winner will receive a Rex Goliath rain umbrella having an approximate retail value of eleven dollars and nineteen cents (\$11.19).

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  
Dale Horst, Interim Director of Marketing and Merchandising  
Michelle Bonsick, Director, Bureau of Marketing Communications,  
Branding & Design  
Pamela Bernd, Product Selection

LCB Advisory Opinion No. 14-101