

April 1, 2014

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Carlie Speelman
Associate Regulatory Affairs Administrator
Trincher Family Estates
P.O. Box 248
St. Helena, CA 94574

RE: Sutter Home My Mini Moments Photo Contest

Dear Ms. Speelman:

ISSUE: This correspondence is in response to your e-mail which was forwarded to this office on March 19, 2014, wherein you request approval to run the Sutter Home My Mini Moments Photo Contest in Pennsylvania.

According to the "Official Rules" that you provided, the contest is scheduled to begin on April 1, 2014, and runs until April 30, 2014. Interested individuals may enter the contest by sending an RSVP to the contest via <http://clvr.li/minimoments> which will be posted on Facebook at www.facebook.com/SutterHome, tweeted at www.twitter.com/SutterHome, and posted on Instagram at <http://instagram.com/sutterhomewines>. Entrants will be required to do the following: confirm their age; provide their Instagram handle and e-mail address; take an Instagram photo based on the daily guidelines for the contest; and post the photo to Instagram with the hashtag #myminimoments.

Up to eight (8) prizes will be awarded for the contest. The contest winners will be selected by the sponsor or its designee based on the creativity and originality of the photo and adherence to the contest guidelines. Six (6) of the prize winners will receive one hundred dollar (\$100.00) Visa Gift Cards, and two (2) of the prize winners will receive Apple iPad Minis having an approximate retail value of three hundred ninety-nine dollars (\$399.00) each.

The contest is open only to legal residents of the U.S. who are twenty-one (21) years of age or older at the time of entry. No purchase is necessary to enter or win the contest.

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 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)].

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 Management 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).

X 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. 14-122