

Janis A. Carlow
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Vice President, Off Premise
Lantern Division
Southern Wine & Spirits
1600 Northwest 163rd Street
Miami, FL 33169
VIA E-MAIL: jcarlow@southernwine.com

RE: Black Box and Rex Goliath Wines Promotions

Dear Ms. Carlow:

ISSUE: This correspondence is in response to your e-mail of March 19, 2014, and the attached e-mail from Gail Underwood, in which Sweepstakes Consulting, LLC, seeks approval to conduct a pair of promotions in Pennsylvania.

According to the descriptions you provided, the "Black Box Wines Monthly Giveaways" and "Rex Goliath Wines Monthly Giveaways" promotions are scheduled to run from May 15, 2014, through March 16, 2015, and April 16, 2015, respectively. Consumers may participate online at promotional Facebook pages. The Black Box Wines promotion will offer one hundred nineteen (119) prizes, while the Rex Goliath Wines promotion will offer ninety-one (91) total prizes. Prizes will not be awarded in retail stores and will not include alcoholic beverages. No purchase is necessary to enter, and the promotions are open only to legal residents of the U.S. who are twenty-one (21) years of age or older.

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 Section 5.32(h)].

This office has reviewed the proposed promotions and has determined that they comport 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)], and are acceptable for use in this Commonwealth.

Therefore, it would be permissible to conduct the promotions 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 spirits stores, subject to approval of the Bureau of Product Management.
- 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. 14-123