

April 16, 2014

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RE: Ménage a Trois – Off The Bone Sweepstakes

Dear Ms. Speelman:

ISSUE: This correspondence is in response to your e-mail which was forwarded to this office on April 9, 2014, wherein you request approval to run the “Ménage a Trois – Off The Bone Sweepstakes” in Pennsylvania.

According to the “Official Rules” that you provided, the sweepstakes is scheduled to begin on May 1, 2014, and runs until August 31, 2014. Interested individuals may enter the sweepstakes by visiting www.menageatroidwines.com, clicking on the “Off The Bone” icon, and following the instructions to enter. Entrants will be required to vote for their favorite rib recipe and give their full name, address, telephone number, e-mail address, and date of birth. There is a limit of one (1) entry per e-mail address, per person, per day.

One (1) grand prize will be awarded for the sweepstakes. The grand prize winner will be selected from among all eligible entries received in a random drawing on or about September 3, 2014. The grand prize winner will receive a trip for two (2) to Napa, California. The trip includes the following: round-trip coach airfare for the winner and one (1) guest from the U.S. gateway city nearest the winner’s home to a major airport near Napa; reimbursement for one (1) rental car for ground transportation up to three hundred dollars (\$300.00); a five hundred dollar (\$500.00) Visa debit card for meals and incidental expenses (alcoholic beverages excluded); double occupancy (one (1) room) accommodations for a three (3)-night stay at a hotel selected by the sponsor; admission for two (2) to a BBQ lunch and private concert; and admission for two (2) to a Live in The Vineyard event on November 7, 2014. The trip must be taken November 6-9, 2014. The approximate retail value of the grand prize is two

thousand, five hundred fifty dollars (\$2,550.00). No alcoholic beverages are included in the prize.

The sweepstakes 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 sweepstakes.

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 determined that it comports with applicable liquor laws and regulations, specifically section 493(24)(i) of the Liquor Code [47 P.S. § 4-493(24)(i)] and section 5.32(h) of the Board's Regulations [40 Pa. Code § 5.32(h)], and is acceptable for use in this Commonwealth, as long as no alcoholic beverages are awarded as part of the grand prize.

While the "Official Rules" indicate that no alcoholic beverages are included in the grand prize, please be advised that to the extent that any part of the trip being awarded as the grand prize, including the admission for two (2) to a BBQ lunch and private concert and the admission for two (2) to a Live in The Vineyard event on November 7, 2014, involves taste testing, sampling, or the provision of alcohol at no additional cost to the winner and/or his or her guest, this would be considered awarding alcoholic beverages as part of the prize and is not permitted.

Further, please be advised that prior approval of malt or brewed beverages point-of-sale ("POS") material and prior approval of 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

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(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, as long as the grand prize being awarded does not include any alcoholic beverages, it is permissible to conduct this sweepstakes 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 ADRESSED 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. 14-149