

April 18, 2014

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Carlie Speelman
Associate Regulatory Affairs Administrator
Trinchero Family Estates
Post Office Box 248
St. Helena, CA 94574

RE: Build a Better Burger – Text2Win Grilling Sweepstakes

Dear Ms. Speelman:

ISSUE: This correspondence is in response to your e-mail sent March 31, 2014, which was forwarded to this office on April 9, 2014, in which you request approval to conduct a sweepstakes promotion in Pennsylvania sponsored by Sutter Home Winery, Inc.

According to the official rules you provided, the “Build a Better Burger – Text2Win Grilling Sweepstakes” promotion is scheduled to run from April 15, 2014 through August 15, 2014. Consumers may participate either by submitting an entry form online via the promotional website or via text message. On or about August 18, 2014, ten (10) entrants will randomly be selected to receive their choice of one (1) of three (3) prize packs. The “Tailgate Pack” includes one (1) Weber Q2200 Grill, one (1) portable cart, one (1) grill cover, one (1) griddle and a four (4) piece accessory pack. The “Home Gate Pack” includes one (1) Weber Spirit E-210 Grill, one (1) grill cover, and a three (3) piece accessory pack. The “Grill On! Pack” includes one (1) Weber Sprit E-310 Grill. No purchase is necessary to enter, and the promotion is open only to legal residents of the United States, excluding Puerto Rico and all U.S. territories and possessions, who are twenty-one (21) years of age or older at the time of entry.

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 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)], and is acceptable for use in this Commonwealth.

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 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,

Carlie Speelman
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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. 14-155