

June 2, 2014

Telephone: (717) 783-9454
FAX: (717) 787-8820

Mary A. Monahan
Marketing Assistant
Excelsior Wine & Spirits
1111 Cedar Swamp Road
Old Brookville, NY 11545

RE: Trivento “Get Grillin” with Steven Raichlen Sweepstakes

Dear Ms. Monahan:

ISSUE: This correspondence is in response to your e-mail and attached letter dated May 20, 2014, in which you seek approval to run a sweepstakes promotion in Pennsylvania.

According to the official rules you provided, the “Trivento ‘Get Grillin’ with Steven Raichlen Sweepstakes” promotion is scheduled to run from June 1 through September 1, 2014. Consumers may participate by submitting an entry form online via Facebook. On or about September 15, 2014, one (1) entrant will randomly be selected to receive the grand prize of a “Steven Raichlen BBQ Prize Package” including barbeque tools, accessories, DVDs, and books. The sweepstakes is open only to legal U.S. residents who are twenty-one (21) years of age or older, and no purchase is necessary to enter.

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 and section 5.32(h) of the Board’s Regulations [47 P.S. § 4-493(24); 40 Pa. Code §

Mary Monahan

June 2, 2014

Page 2

5.32(h)] and is acceptable for use in this Commonwealth, assuming alcoholic beverages will not be part of the prize.

Therefore, it would be permissible to conduct this promotion in the Commonwealth, as indicated above, 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. 14-243