

June 20, 2014

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

**RE: Riunite Rocks Sweepstakes**

Dear Ms. Monahan:

ISSUE: This correspondence is in response to your e-mail and attached letter dated June 2, 2014, in which you seek approval to run a sweepstakes promotion in Pennsylvania, sponsored by Banfi Products Corp. and Villadco, Inc.

According to the official rules you provided, the “Riunite Rocks Sweepstakes” promotion is scheduled to run from May 14 through August 25, 2014. Consumers may participate via text message or online via the promotional website. Three (3) entrants will be randomly selected to each receive two (2) reserved upper pavilion tickets to a concert at Klipsch Music Center in Noblesville, Indiana, as well as a pair of Klipsch S4i In-Ear headphones. 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 § 5.32(h)] and is acceptable for use in this Commonwealth.

Therefore, it would be permissible to conduct the 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,

FAITH S. DIEHL  
CHIEF COUNSEL

cc: Pennsylvania State Police,

Mary Monahan

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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. 14-370