

June 23, 2014

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Rebecca Forbes
Capital Wine & Spirits
Retail & One on One Administrative Assistant
129 Hartman Road
North Wales, PA 19454

RE: The “Notes of Hope” Sweepstakes

Dear Ms. Forbes:

ISSUE: This correspondence is in response to your e-mail of May 29, 2014, which was forwarded to this office on June 18, 2014, wherein you seek approval to conduct the “Notes of Hope” Sweepstakes in Pennsylvania.

According to the “Official Rules” that you provided, the sweepstakes is scheduled to begin on September 1, 2014, and runs until October 31, 2014. Interested individuals may enter the sweepstakes by visiting www.chateausjean.com/sherylcrow and completing and submitting a registration form. Entrants will have the option to post a “Note of Hope” onto their social media site(s), but doing so is not mandatory and does not increase the chances of winning. There is a limit of three (3) sweepstakes entries per person/e-mail address per day.

A total of eighty-five (85) prizes (three (3) grand prizes, seven (7) first prizes, and seventy-five (75) second prizes) will be awarded for the sweepstakes. The winners will be selected in a random drawing, to be conducted on or about November 15, 2014, from among all eligible entries received. There is a limit of one (1) prize per person/family/household.

Each grand prize winner will receive a three (3)-day and two (2) night trip for two (2) to attend a Sheryl Crow U.S. Concert occurring between December 2014 and April 2015 and a Sheryl Crow-autographed Gibson LG-2 American Eagle Acoustic Guitar with a Gibson Standard Hardshell Case. The trip includes: two (2) nights’ hotel accommodations (double occupancy); round trip coach air transportation for the winner and one (1) guest from a major airport near the winners’ residence to a major airport serving the U.S. city closest to the Sheryl Crow concert approved by the sponsor; and two (2) Sheryl Crow Concert tickets. The approximate retail value of each grand prize is four thousand, six hundred ninety-one dollars (\$4,691.00).

Each first prize winner will receive a Sheryl Crow-autographed Gibson LG-2 American Eagle Acoustic Guitar with a Gibson Standard Hardshell Case and one (1) Sheryl Crow

“Feels Like Home” CD. The approximate retail value of each first prize is two thousand, eight hundred ten dollars (\$2,810.00).

Each second prize winner will receive one (1) Sheryl Crow “Feels Like Home” CD. The approximate retail value of each second prize is ten dollars (\$10.00).

The sweepstakes is open only to legal residents of the United States and the District of Columbia who are at least twenty-one (21) years of age and who are registered members of the promotion site on the date of entry. No purchase is necessary to enter or win.

OPINION: Section 5.32(h) of the Pennsylvania Liquor Control Board’s (“Board”) Regulations states that a manufacturer, a 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 promotions and has determined that they comport 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 are acceptable for use in this Commonwealth, as long as alcoholic beverages will not be included as any part of the grand prizes.

Please be advised that to the extent that any part of the trip being awarded as the grand prizes will include taste testing, sampling or the provision of alcohol at no additional cost to the winners and/or his or guests, this would be construed as the awarding of alcohol as a prize and is not permitted.

Furthermore, please be advised that prior approval of malt or brewed beverages point-of-sale (“POS”) material and 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 Management remains. The total cost of all POS advertising material relating to any one (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 alcoholic beverages are not awarded as any part of the prizes, it is permissible to conduct the proposed sweepstakes promotions 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 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 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. 14-381