

July 9, 2014

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**AMENDED ADVISORY
OPINION NUMBER**

Nicole Elling
Corporate Compliance Administrator
Delicato Family Vineyards
600 Spreckels Avenue
Manteca, CA 95336
cole.elling@delicato.com

RE: “HANDCRAFT Walk the Walk Sweepstakes”

Dear Ms. Elling:

ISSUE: This correspondence is in response to your e-mail and letter dated June 17, 2014, wherein you request approval to run the “HANDCRAFT Walk the Walk Sweepstakes” promotion in Pennsylvania.

According to the “Official Rules” that you provided, the sweepstakes is scheduled to begin on July 1, 2014, and runs until October 31, 2014. Interested individuals may enter the sweepstakes by visiting www.facebook.com/HandCraftWines, “Liking” the Handcraft Artisan Collection Wines Facebook page, clicking on the “Sweepstakes” tab, and then completing the official online entry form. Interested individuals must be registered on Facebook in order to enter the sweepstakes. There is a limit of one (1) entry per Facebook user account during the promotion period.

The promotion period will be divided into nine (9) different entry periods, and one (1) winner will be selected for each entry period. The winners will be selected in random drawings conducted on specific dates following the close of each entry period. Each winner will receive a two hundred fifty dollar (\$250.00) fundraising donation towards a charitable walk or run event in which they will be participating. The donation will be made payable directly to the charitable organization.

The sweepstakes is open only to legal residents of the fifty (50) United States and the District of Columbia who are twenty-one (21) years of age or older as of the date 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 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 as described in the "Official Rules" that you provided 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)].

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 Selection 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, it is 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 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 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
Pamela Bernd, Bureau of Product Selection
Michelle Bonsick, Bureau of Marketing Communications,
Branding & Design

LCB Advisory Opinion No. 14-384