

July 2, 2014

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Dijana Kristo  
Compliance & Trademark Specialist  
The Wine Group  
4596 South Tracy Boulevard  
Tracy, CA 95377

**RE: Cupcake Vineyards Truck Tour Sweepstakes**

Dear Ms. Kristo:

ISSUE: This correspondence is in response to your e-mail received in this office on June 16, 2014, in which you request legal review of a proposed sweepstakes promotion, sponsored by The Wine Group LLC doing business as Cupcake Vineyards, to be conducted in Pennsylvania.

According to the official rules you provided, the “Cupcake Vineyards Truck Tour Sweepstakes” promotion is scheduled to run from July 1 through August 31, 2014. Consumers may participate by submitting an entry form at a Cupcake Truck Event or online at the promotional website. On or about September 1, 2014, one (1) entrant will be randomly selected to receive the grand prize of a hometown visit by the Cupcake Vineyards Truck for a private party for the winner and up to nineteen (19) guests. The party will include catered food, non-alcoholic beverages, supplies, and an American Express pre-paid debit card valued at one thousand dollars (\$1,000.00). No alcoholic beverages are included in the prize. No purchase is necessary to enter, and the sweepstakes is open only to legal residents of the continental United States 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.

Dijana Kristo  
July 2, 2014  
Page 3

Very truly yours,

FAITH S. DIEHL  
CHIEF COUNSEL

cc: Pennsylvania State Police,  
Bureau of Liquor Control Enforcement  
Dale Horst, Interim Director of Marketing  
Michelle Bonsick, Bureau of Marketing Communications,  
Branding & Design  
Pamela Bernd, Bureau of Product Selection

LCB Advisory Opinion No. 14-395