

July 16, 2014

Telephone: (717) 783-9454

FAX: (717) 787-8820

Alexandra Chinn
Marketing Specialist
Capital Wine & Spirits, LLC
129 Hartman Road
North Wales, PA 19454

RE: Taste Both Sides of the Andes Promotion

Dear Ms. Chinn:

ISSUE: This correspondence is in response to your e-mail received in this office on July 3, 2014, in which you request legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the rules you provided, the "Taste Both Sides of the Andes" promotion is scheduled to run until August 25, 2014. Consumers may participate by mail. On or about September 22, 2014, one (1) entrant will be randomly selected to receive the grand prize of a voucher valued at five thousand dollars (\$5,000.00) to be used for "airfare, hotels, meals etc." as well as a hosted tour of the Concha Y Toro winery and a VIP lunch. No purchase is necessary to enter, and the promotion is open only to Pennsylvania residents who are twenty-one (21) years of age or older.

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, assuming alcoholic beverages are not 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. 14-416