

July 17, 2014

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

RE: 2014 Trapiche Master Your Kitchen Sweepstakes

Dear Ms. Kristo:

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, sponsored by The Wine Group LLC doing business as Universal Wine Network, to be conducted in Pennsylvania.

According to the official rules you provided, the “2014 Trapiche Master Your Kitchen Sweepstakes” promotion is scheduled to run from August 1 through 31, 2014. Consumers may participate by completing an official entry online via the promotional website. Two (2) entrants will be randomly selected to each receive the grand prize of a trip for two (2) to Los Angeles, California, to attend a live taping of either the season premiere or finale of MasterChef or other Fox network show, including round-trip airfare, ground transportation, hotel accommodations for two (2) nights, tickets to the show taping, and a gift card valued at five hundred dollars (\$500.00). No purchase is necessary to enter, and the sweepstakes is open only to legal U.S. residents 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.

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. 14-436