

July 24, 2014

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Janis A. Carlow
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Vice President, Off Premise
Lantern Division
Southern Wine & Spirits
1600 Northwest 163rd Street
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RE: The Dreaming Tree Acoustic Sweepstakes

Dear Ms. Carlow:

ISSUE: This correspondence is in response to your e-mail dated July 21, 2014, in which you seek approval on behalf of The Dreaming Tree Wines and Sweepstakes Consulting, LLC to conduct The Dreaming Tree Acoustic Sweepstakes promotion in Pennsylvania.

According to the "Official Rules" that you provided, the sweepstakes is scheduled to begin on September 1, 2014, and runs until December 8, 2014. 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.

Interested individuals may enter the sweepstakes by visiting www.dreamingtrewines.com/sweepstakes and completing and submitting the online entry form. There is a limit of one (1) entry per person or e-mail address during the sweepstakes period. Alternatively, interested individuals may enter by texting the word "MUSIC" to 47464. Each text message constitutes one (1) sweepstakes entry. Entrants may earn additional entries by inviting friends to enter the sweepstakes, using social media to share information about the sweepstakes, and/or visiting the sweepstakes website and completing different activities.

Ten (10) prizes will be awarded for the sweepstakes. The winners will be selected in a random drawing, to be conducted on or about December 9, 2014, from among all eligible entries received. Each prize winner will receive a trip for the winner and one (1) guest to attend an acoustic concert featuring Dave Matthews and Tim Reynolds in January of 2015. The trip consists of the following: roundtrip coach air transportation for two (2)

people from the major U.S. airport closest to the winner's residence; two (2) nights double-occupancy hotel accommodations; one hundred dollars (\$100.00) towards ground transportation; five hundred dollars (\$500.00) spending money; and a pair of tickets to an acoustic concert featuring Dave Matthews and Tim Reynolds. The approximate retail value of each prize is three thousand, one hundred dollars (\$3,100.00). The prizes do not include alcoholic beverages. The winners' guests must be legal U.S. 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, 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 promotion and determined that it comports with the 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)], and is acceptable for use in this Commonwealth, as long as no alcoholic beverages are awarded as part of the prizes.

While the "Official Rules" indicate that the prizes being awarded do not include alcoholic beverages, please be advised, in case you are unaware, that to the extent that any part of the trips being awarded involve taste testing, sampling, or the provision of alcohol at no additional cost to the winners and/or their guests, this would be considered awarding alcoholic beverages as part of the prizes and is not permitted.

Further, please be advised that prior approval of malt or brewed beverages point-of-sale ("POS") material and prior approval of 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, as long as the prizes being awarded do not include any alcoholic beverages, it is permissible to conduct this sweepstakes 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 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 ADRESSED 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. 14-438