

July 24, 2014

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Mary A. Monahan
Marketing Compliance Officer
Excelsior Wines
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Old Brookville, NY 11545

**RE: Casillero del Diablo “Win a Signed Manchester United Jersey”
Sweepstakes**

Dear Ms. Monahan:

ISSUE: This correspondence is in response to your letter dated July 18, 2014, in which you seek approval, on behalf of Excelsior Wines, to run the Casillero del Diablo “Win a Signed Manchester United Jersey” Sweepstakes promotion in Pennsylvania.

According the “Official Rules” that you provided, the sweepstakes was scheduled to begin on July 15, 2014, and runs until August 31, 2014. Interested individuals may enter the sweepstakes by visiting www.CasilleroDelDiablo.com/Jersey and following the on-screen instructions to complete and submit an entry form. Alternatively, interested individuals may enter by hand printing their name, complete address, age, telephone number and e-mail address (if any) on a three (3)-inch by five (5)-inch card and mailing it to the address set forth in the “Official Rules.” There is a limit of one (1) entry per person, per household, per channel of entry.

One (1) grand prize will be awarded for the sweepstakes. The grand prize winner will be selected in a random drawing to be conducted on or about September 15, 2014. The grand prize winner will receive a 2014/2015 Manchester United Jersey signed by Manchester United players. The estimated retail value of the grand prize is eighty dollars (\$80.00).

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. No purchase is necessary to enter or win.

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 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.

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 Management 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 the proposed 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 the 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 and Merchandising
Michelle Bonsick, Director, Bureau of Marketing Communications,
Branding & Design
Pamela Bernd, Product Selection

LCB Advisory Opinion No. 14-442