

July 24, 2014

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Kathryn Henderlong  
Trade Marketing Manager  
Constellation Brands

**RE: Rex Zone Sweepstakes and Dreaming Tree Acoustic Concert  
Sweepstakes**

Dear Ms. Henderlong:

ISSUE: This correspondence is in response to your e-mail sent July 14, 2014, wherein you request approval, on behalf of Constellation Brands, to run the Rex Zone Sweepstakes and the Dreaming Tree Acoustic Concert Sweepstakes in Pennsylvania.

According to the "Official Rules" that you provided for the Rex Zone Sweepstakes, such sweepstakes is scheduled to begin on September 1, 2014 and runs until September 30, 2014. Interested individuals may enter the sweepstakes by completing and submitting the online entry form found at <http://platform.votigo.com/fbsweeps/sweeps/Rex-Zone-Sweepstakes>. There is a limit of one (1) entry per person or e-mail address per day.

One (1) winner will be selected for this sweepstakes. The winner will be selected in a random drawing to be conducted on or about October 1, 2014. The winner and up to seven (7) guests will be invited to attend an Ultimate Pennsylvania Pro Football Tailgate Experience including a Sunday on-site pre-game tailgate with food and non-alcoholic beverages, and the chance to see the game live for the winner's choice of November 2, 2014 in Pittsburgh, Pennsylvania, or November 9, 2014 in Philadelphia, Pennsylvania. The approximate retail value of the prize is five thousand, two hundred dollars (\$5,200.00). The prize does not include alcoholic beverages.

This sweepstakes is open only to legal residents of Pennsylvania who are twenty-one (21) years of age or older at the date of entry. No purchase is necessary to enter or win the sweepstakes.

According to the “Official Rules” that you provided for the Dreaming Tree Acoustic Concert Sweepstakes, such sweepstakes is scheduled to begin on September 1, 2014, and runs until September 30, 2014. Interested individuals may enter this sweepstakes by completing and submitting the online entry form found at <http://platform.votigo.com/fbsweeps/sweeps/DRT-Acoustic-Concert-Sweepstakes>. There is a limit of one (1) entry per person or e-mail address per day.

One (1) winner will be selected for this sweepstakes. The winner will be selected in a random drawing to be conducted on or about October 1, 2014. The winner will receive a trip for two (2) people to attend an acoustic concert featuring Dave Matthews and Tim Reynolds on 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 the prize is three thousand, one hundred dollars (\$3,100.00). The prize does not include alcoholic beverages.

The sweepstakes is open only to legal residents of Pennsylvania 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.

**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 promotions and determined that they comport 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 are acceptable for use in this Commonwealth, as long as no alcoholic beverages are awarded as part of the prizes.

While the "Official Rules" for both sweepstakes 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 tailgate experience or trip 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

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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. 14-443