

August 14, 2014

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Sarah Larsen, Paralegal
Jackson Family Wines, Inc.
421 Aviation Boulevard
Santa Rosa, CA 95403

RE: Kendall-Jackson Avant Sweepstakes

Dear Ms. Larsen:

ISSUE: This correspondence is in response to your e-mail and letter of August 1, 2014, wherein you request approval to conduct the “Kendall Jackson Avant Sweepstakes” in Pennsylvania.

According to the “Official Rules” that you provided along with your e-mail and letter, the sweepstakes is scheduled to begin on August 11, 2014, and runs until August 25, 2014. Interested individuals may enter the sweepstakes by visiting www.facebook.com/kjavant and following the instructions to complete and submit an entry. There is a limit of one (1) entry per person, per e-mail address, per Facebook account.

One (1) prize will be awarded for the sweepstakes. The prize winner will be selected in a random drawing to be conducted on or about August 27, 2014. The prize winner will receive two (2) general admission tickets to the first weekend of the Austin City Limits Festival in Austin, Texas (October 3 – October 5, 2014) and a two thousand dollar (\$2,000) credit to be used towards travel expenses. Alcohol is not part of the prize.

No purchase is necessary to enter or win the sweepstakes. The sweepstakes is open only to legal residents of the forty-eight (48) contiguous United States 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, 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 prize.

While the "Official Rules" for the sweepstakes indicate that alcohol is not part of the prize, please be advised, in case you are unaware, that to the extent any part of the prize, including admission to the Austin City Limits Festival, involves taste testing, sampling, or the provision of alcohol at no additional cost to the winner and/or his or her guest, this would be considered awarding alcoholic beverages as part of the prize 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 prize being awarded does 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).

X 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
John Metzger, Executive Director
Dale Horst, Director of Marketing and Merchandising
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