

August 19, 2014

Telephone: (717) 783-9454

FAX: (717) 787-8820

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

RE: Virtual Vintner Sweepstakes

Dear Ms. Larsen:

ISSUE: This correspondence is in response to your letter dated July 30, 2014, in which you request legal review of a sweepstakes promotion being conducted in Pennsylvania sponsored by La Crema Winery.

According to the official rules you provided, the “La Crema Virtual Vintner Sweepstakes” promotion is scheduled to run from August 11 through September 21, 2014. Consumers may participate by submitting an official entry form online at the promotional website or via e-mail. On or about September 22, 2014, one (1) entrant will be randomly selected to receive a trip for two (2) to Sonoma County wine country including round-trip airfare, hotel accommodations for two (2) nights, a car rental, a tour of the La Crema Winery and key vineyard sites, a voucher for dinner at Partake by K-J (excluding alcohol), and a prepaid credit card valued at one thousand dollars (\$1,000.00). Alcohol will not be a part of the prize. The promotion is limited to entrants twenty-one (21) years of age or older, and no purchase is necessary to enter.

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 determined that it comports with applicable liquor laws and regulations, specifically section 493(24)(i) of the Liquor Code and section 5.32(h) of the Board's Regulations [47 P.S. § 4-493(24)(i); 40 Pa. Code § 5.32(h)].

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 Selection.
- 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, Director of Marketing and Merchandising
Michelle Bonsick, Director, Bureau of Marketing Communications,
Branding & Design
Pamela Bernd, Product Selection

LCB Advisory Opinion No. 14-479