

August 19, 2014

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Mary A. Monahan  
Marketing Compliance Officer  
Banfi Vintners  
1111 Cedar Swamp Road  
Old Brookville, NY 11545

**RE: “Fontana Candida Experience Rome” Sweepstakes**

Dear Ms. Monahan:

ISSUE: This correspondence is in response to your e-mail and letter sent August 14, 2014, in which you seek approval, on behalf of Banfi Vintners, to run the “Fontana Candida Experience Rome” Sweepstakes promotion in Pennsylvania.

According to the “Official Rules” that you provided, the sweepstakes is scheduled to begin on September 12, 2014, and runs until December 31, 2014. The sweepstakes is open only to legal residents of the United States or the District of Columbia who are twenty-one (21) years of age or older, and no purchase is necessary to enter or win the sweepstakes.

Interested individuals may enter the sweepstakes by visiting [www.facebook.com/FontanaCandida](http://www.facebook.com/FontanaCandida), “liking” the page, and completing the entry form. There is a limit of one (1) entry per Facebook user, per day. Entrants may receive bonus entries by sharing the sweepstakes with friends through social media.

One (1) grand prize and twelve (12) second prizes will be awarded for the sweepstakes. The grand prize winner will be selected in a random drawing to be conducted on or about January 15, 2015. The grand prize winner will receive a three (3)-night trip for two (2) people to Rome, Italy. The trip includes the following: roundtrip economy-class airfare for two (2) people to Rome, Italy, from the major airport nearest the winner’s residence; three (3) nights hotel accommodations (one (1) room, double occupancy); one (1) two hundred fifty dollar (\$250.00) gift card for spending money; and a paid trip to tour the Fontana Candida winery in the suburbs of Rome. The grand prize winner’s guest must be twenty-one (21) years of age or older. The approximate retail value of the grand prize is five thousand dollars (\$5,000.00). The grand prize winner may opt to have a cash payout

of five thousand dollars (\$5,000.00) in lieu of the trip to Rome. The second prize winners will be selected in random drawings to be conducted once every week between September 12, 2014 and December 5, 2014. Each second prize winner will receive a one hundred dollar (\$100.00) gift card. There is a limit of one (1) prize per household.

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, as long as alcoholic beverages will not be included as any part of the prizes.

Please be advised that to the extent that any part of the trip being awarded as the grand prize, including the paid trip to tour the Fontana Candida winery, 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 construed as awarding alcohol as part of the prize and is not permitted.

Furthermore, 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 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 alcoholic beverages are not awarded as any part of the prizes, 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 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, Director of Marketing and Merchandising  
Michelle Bonsick, Director, Bureau of Marketing Communications,  
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LCB Advisory Opinion No. 14-481