

August 27, 2014

Telephone: (717) 783-9454

FAX: (717) 787-8820

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

RE: “Rosa Regale – Wedding Gown of Your Dreams Sweepstakes”

Dear Ms. Monahan:

ISSUE: This correspondence is in response to your letter dated August 22, 2014, in which you seek approval, on behalf of Banfi Vintners, to run the “Rosa Regale – Wedding Gown of Your Dreams Sweepstakes” promotion in Pennsylvania.

According to the “Official Rules” that you provided, the sweepstakes is scheduled to begin on September 1, 2014, and runs until December 31, 2014. Interested individuals may enter by filling out an entry card that they receive from any of the 2014 National Bridal Expo events and handing it to an event manager at the event or mailing it to the address specified in the “Official Rules.” National Bridal Expo events will be held on the following dates and at the following locations: September 5, 2014 – New York City, NY – New York Marriott Marquis; September 7, 2014 – Washington, DC – Hilton Alexandria Mark Center; September 14, 2014 – Atlanta, GA – Grand Hyatt Atlanta; September 21, 2014 – Boston, MA - Sheraton Boston Hotel; September 28, 2014 – Philadelphia, PA – Sheridan Philadelphia Hotel; October 5, 2014 – Denver, CO – Denver Marriott City Center; October 12, 2014 – Dallas, TX – Hyatt Regency Dallas; October 18, 2014 – Miami, FL – Hyatt Regency Miami, JL Knight Center; October 19, 2014 – Ft. Lauderdale, FL – Bonaventure Resort & Spa; October 26, 2014 – Tampa, FL – Tampa Marriott Waterside; November 9, 2014 – San Jose, CA – Fairmont Hotel San Jose; November 16, 2014 – San Francisco, CA - Hyatt Regency Burlingame; and November 23, 2014 – Anaheim, CA – Anaheim Convention Center.

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 January 30, 2015, from among all eligible entries received during the Fall 2014 Bridal Expo. The prize winner will receive a one thousand dollar (\$1,000.00) cash prize.

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 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)].

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, it is permissible to conduct the proposed promotion in the Commonwealth, as indicated above, in reference to the areas checked below:

- retail licensed premises (POS only).
- 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, Director of Marketing and Merchandising
Michelle Bonsick, Director, Bureau of Marketing Communications,
Branding & Design
Pamela Bernd, Product Selection

LCB Advisory Opinion No. 14-489