

August 26, 2014

Telephone: (717) 783-9454

FAX: (717) 787-8820

David Romine
Kalik Lewin
5335 Wisconsin Avenue, NW – Suite 440
Washington, DC 20015

RE: Hangtime Wine Mail-in Rebate

Dear Mr. Romine:

ISSUE: This correspondence is in response to your e-mail of August 12, 2014, in which you request legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “Clos Du Val Three Graces Sweepstakes” promotion is scheduled to run from October 1, 2014, through January 31, 2015. Consumers may participate by text message, by mail, or online at the promotional Facebook page. On or about February 8, 2015, one (1) grand prize winner and ten (10) first prize winners will be randomly selected. The grand prize will be a trip for two (2) to Napa Valley including round-trip airfare, hotel accommodations for two (2) nights, a tour with lunch or dinner at Clos Du Val Winery, a rental car, a gift card valued at two hundred fifty dollars (\$250.00), a gift bag, and a travel wallet. The first prize will be a gift card valued at one hundred fifty dollars (\$150.00). No part of any prize will include alcoholic beverages. The promotion is open only to legal residents of the United States who are 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 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.

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. 14-491