

Janis A. Carlow
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Vice President, Off Premise
Lantern Division
Southern Wine & Spirits
1600 Northwest 163rd Street
Miami, FL 33169
VIA E-MAIL: jcarlow@southernwine.com

RE: Escape to Aspen Sweepstakes

Dear Ms. Carlow:

ISSUE: This correspondence is in response to your e-mail of August 15, 2014, in which Sweepstakes Consulting, LLC, requests, on behalf of Estancia Winery, legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the "Escape to Aspen Sweepstakes" promotion is scheduled to run from September 1 through October 31, 2014. Consumers may participate by submitting an entry form online at the promotional website. Two (2) monthly prizes and one (1) grand prize will be awarded to randomly selected entrants. The monthly prize winners will each receive a Food & Wine 2014 Annual Cookbook. The grand prize winner will receive a trip for two (2) to attend the Aspen Food & Wine Classic in Aspen, Colorado, including round-trip airfare, hotel accommodations for three (3) nights, a car rental, a pair of event tickets, and two thousand five hundred dollars (\$2,500.00) in spending money. The prizes will not include alcoholic beverages. No purchase is necessary to enter, and the sweepstakes is open only to legal U.S. residents 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 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 Section 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. Section 4-493(24)] and section 5.32(h) of the Board's Regulations [40 Pa. Code Section 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 Management.
- 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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Pamela Bernd, Product Selection