

October 1, 2014

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

**RE: Kendall-Jackson Avant ACL Photo Contest**

Dear Ms. Larsen:

ISSUE: This correspondence is in response to your letter dated September 22, 2014, wherein you request approval to conduct the “Kendall Jackson Avant ACL Photo Contest” promotion in Pennsylvania.

According to the “Official Rules” that you provided along with your letter, the promotion will be divided into two (2) different contests. The first contest is scheduled to begin on October 3, 2014, and runs until October 5, 2014. The second contest is scheduled to begin on October 10, 2014, and runs until October 12, 2014.

Interested individuals may enter each contest, during the appropriate submission period, by creating an Instagram account, following Kendall-Jackson @kjwines and then sharing a photo of their most spontaneous and creative festival moments on Instagram using #KJVANT.

The entries received for each contest will be judged based on the following criteria: creativity and originality—forty (40) points; spontaneity—forty (40) points; and overall photo quality—twenty (20) points. The three (3) entries receiving the greatest number of points for each contest will be the winners. Each winner will receive a two hundred fifty dollar (\$250.00) credit card gift card and one (1) year of free music from a leading music streaming service. The approximate retail value of each prize is three hundred sixty-nine dollars and eighty-eight cents (\$369.88). Alcohol will not be included in any prize.

No purchase is necessary to enter or win the contests. The contests are 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 and who create or have an already-existing Instagram account.

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

Although you indicate that no point-of-sale ("POS") material will be used for this promotion, please be advised that prior approval of malt or brewed beverages POS material and prior approval of 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 this promotion in the Commonwealth in reference to the areas checked below:

- retail licensed premises.
- distributor licensed premises.
- both retail and distributor licensed premises.

X the Board's wine and spirit stores, subject to approval of the Bureau of Product Selection (POS only).

X 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 ADRESSED 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. 14-532