

October 17, 2014

Janis A. Carlow
Assistant to Lou Giordano
Vice President, Off Premise Lantern Division
Southern Wine & Spirits
1600 Northwest 163rd Street
Miami, FL 33169

RE: 2014 Holiday Recipes and Winepairings Contest

Dear Ms. Carlow:

ISSUE: This correspondence is in response to your e-mail received in this office on October 7, 2014, in which you request legal review of a proposed contest promotion to be conducted in Pennsylvania sponsored by Clos du Bois Winery.

According to the official rules you provided, the “Clos du Bois ‘2014 Holiday Recipes & #Winepairings Throwdown’ Contest” promotion is scheduled to run from November 18 through December 18, 2014. Consumers may participate by submitting an entry form online via the promotional website. Online voting in conjunction with a judging panel will determine the four (4) weekly-prize winners and one (1) grand-prize winner. Each weekly-prize winner will receive a branded gift bag, and the grand-prize winner will receive a cash prize of five thousand dollars (\$5,000.00). No alcohol will be awarded as a prize. No purchase is necessary to enter, and the promotion is open only to entrants who are twenty-one (21) years of age or older.

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 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, Interim Director of Marketing and Merchandising
Michelle Bonsick, Director, Bureau of Marketing Communications,
Branding & Design
Pamela Bernd, Product Selection

LCB Advisory Opinion No. 14-544