

November 5, 2014

Ms. Dijana Kristo
The Wine Group
4596 South Tracy Boulevard
Tracy, California 95377

RE: Chloe Wine Collection Capture Your Beautiful Moment Contest

Dear Ms. Kristo:

ISSUE: This correspondence is in response to your letter, which was forwarded to this office on October 14, 2014, wherein you request approval to conduct the “Chloe Wine Collection Capture Your Beautiful Moment Instagram Contest” promotion in Pennsylvania.

According to the “official rules” that you provided along with your letter, interested individuals may enter the contest by submitting “your beautiful moment” photographs online via Instagram. The contest began on October 1, 2014 and continues until December 31, 2015.

All people pictured in the photograph must be twenty-one (21) years of age at the time of submission. The winners of the contest will be selected by a panel of judges.

No purchase is necessary to enter or win the contest. The contest 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 and who create or have an already-existing Instagram account. Prizes will not include alcohol.

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.

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.
- the Board's wine and spirit stores, subject to 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 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. 14-574