

November 6, 2014

**AMENDED ADVISORY
OPINION NUMBER**

Ms. Carlie Speelman
Associate Regulatory Affairs Administrator
Trinchero Family Estates
Post Office Box 248
St. Helena, California 94574

RE: Bandit Glamping Book Sweepstakes

Dear Ms. Speelman:

ISSUE: This correspondence is in response to your e-mail, which was forwarded to this office on October 14, 2014, in which you seek a legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the Bandit Glamping Book Sweepstakes sponsored by Rebel Wines is a two (2) - phase promotion. The first phase ran on October 15, 2014 for the entire day. The second event ran all day on October 29, 2014. To participate, consumers were required to comment on the promotional Facebook page. There is an option to gain an additional entry by sharing the promotional post.

No purchase is necessary to enter the sweepstakes. The sweepstakes is open to legal residents of the United States who are twenty-one (21) years of age at the time of entry. Contestants will be randomly selected to receive up to twenty (20) prizes. Qualified winners will each receive one (1) "Glamping with Mary Jane" book by Mary Jane Butters. The approximate retail value of the book is twenty-four dollars and ninety-nine cents (\$24.99). The total potential cost of the prizes is four hundred ninety-nine dollars and eighty cents (\$499.80).

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.

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- 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)].

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

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