

November 5, 2014

Ms. Dijana Kristo
The Wine Group
Compliance & Trademark Specialist
4596 South Tracey Boulevard
Tracey, California 95378
E: 2014 Sail Across the Sun Cruise Sweepstakes

Dear Ms. Kristo:

ISSUE: This correspondence is in response to your e-mail which was forwarded to this office on October 14, 2014, wherein you request approval to conduct the “2014 Sail Across the Sun Sweepstakes” promotion sponsored by Save Me, San Francisco Wine Co., in Pennsylvania.

According to the “Official Rules” that you provided with your e-mail, the sweepstakes was scheduled to begin on November 1, 2014, and runs until December 15, 2014. Interested individuals may enter the sweepstakes online by visiting www.savemesanfrancisco.com and following the instructions to complete and submit an entry form.

One (1) grand prize will be awarded for the sweepstakes. The grand prize winner will be selected in a random drawing following the end of the sweepstakes submission period. The grand prize winner will receive a four (4) day cruise on Norwegian Cruise Line. No purchase is necessary to enter the contest. Prizes do not include beverage alcohol. The contest is open only to legal residents of the United States who are twenty-one (21) years of age 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 § 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

LCB Advisory Opinion No. 14-577