

November 13, 2014

Sara Bonafide  
Manager, Brand Promotions  
LeadDog Marketing Group, Inc.  
440 9<sup>th</sup> Avenue, 17<sup>th</sup> Floor  
New York, NY 10001

**RE: Unlock Bordeaux Game**

Dear Ms. Bonafide:

ISSUE: This correspondence is in response to your e-mail of November 3, 2014, in which you seek, on behalf of the Bordeaux Wine Council, a legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “Unlock Bordeaux Game” promotion that began on November 10, 2014 continues until December 31, 2014. Consumers may participate on-line via the promotional website. Contestants may obtain additional entries by having friends join the sweepstakes.

On or about January 5, 2015, entrants will be randomly selected from all eligible entries received during the promotion period. The grand prize winner will receive a five (5)-day/four (4)-night trip to Bordeaux, France. The prize includes round-trip airfare to Bordeaux, four (4) nights of hotel accommodations and some meals. The trip will include a tour of a chateau in Bordeaux along with a wine class. The value for the grand prize is eight thousand dollars (\$8,000.00). Twenty (20) second prize winners will receive one (1) Bordeaux Wines Prize Package that consists of one (1) corkscrew, one (1) Yoleaux T-shirt, one (1) box of chocolate, and one (1) tote bag. Each prize package is valued at sixty dollars (\$60). Fifty (50) third prize winners will be awarded one (1) Yoleaux T-shirt valued at twenty-five (\$25.00).

No purchase is necessary to enter, and the sweepstakes 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)], assuming that alcoholic beverages will not be part of any prize.

Therefore, it would be permissible to conduct this promotion in the Commonwealth, subject to the above limitation, 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

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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. 14-584