

November 19, 2014

Mary A. Monahan
Marketing Compliance Officer
1111 Cedar Swamp Road
Old Brookville, New York 11545
New York, NY 10017

RE: Rosa Regale Spa Getaway Sweepstakes

Dear Ms. Monahan:

ISSUE: This correspondence is in response to your letter dated, November 13, 2014, in which you seek, on behalf of Banfi Vintners, a legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania. As written, the sweepstakes described in detail below are not permitted in Pennsylvania because wine is included as part of the grand prize.

According to the official rules you provided, the "Spa Getaway Sweepstakes" promotion began on October 1, 2104 and is scheduled to run until December 31, 2014. Consumers may participate via the promotional website.

One (1) grand prize winner will be selected in a random drawing on or about January 15, 2015. The grand prize winner will receive one (1) "Spa Getaway" including roundtrip airfare for two (2) people and a three (3) night stay at the Buttermilk Falls Inn and Spa in Milton, New York. This spa weekend includes a special four (4)-course meal paired with special wines. The estimated value of the spa weekend is three thousand six hundred dollars (\$3,600.00) plus airfare.

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 your promotion and as written, the sweepstake is not permitted to be conducted in Pennsylvania because alcoholic beverages (wine) are included as part of the grand prize, which is a violation of the rules listed above.

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. 14-590