

November 20, 2014

Mary Monahan  
Marketing Assistant  
Banfi Vintner  
Old Brookville, New York 11545

**RE: Riunite Big Game Sweepstakes**

Dear Ms. Monahan:

ISSUE: This correspondence is in response to your letter dated November 7, 2014, in which you seek, on behalf of VB Imports, Old Brooksville, New York, a legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “Riunite Big Game Sweepstakes” promotion began on November 1, 2014 and is scheduled to run until December 31, 2014. Consumers may participate online via Facebook. One (1) bonus entry will be awarded to the original entrant every time a “friend” enters via the shared link. The grand prize winner will be selected by the sponsor via a random drawing on or near January 15, 2015.

The grand prize winner will receive a trip for two (2) to the Super Bowl in Glendale, Arizona, on Sunday, February 1, 2015. The trip includes roundtrip economy-class airfare for two (2) to Phoenix, Arizona, three (3) nights of hotel accommodations, and two (2) tickets to the Super Bowl. The winner will also receive pre-game hospitality, one (1) two hundred fifty dollar (\$250.00) prepaid debit card and two (2) deluxe gift.

Nine (9) second prize winners will be chosen and receive one (1) one hundred dollar (\$100.00) gift card. The total of all the prizes is estimated to be thirteen thousand four hundred dollars (\$13,400.00). 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)].

Please be advised that to the extent that any part of the trip being awarded as the prize involves taste testing, sampling, or the provision of alcohol at no additional cost to the winner and/or his or her travel companion, this would be considered awarding alcoholic beverages as part of the prize and is not permitted.

Therefore, as long as the prize being awarded does not include any alcoholic beverages, 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 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

Mary A. Monahan  
November 20, 2014  
Page 3

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. 14-593