

December 19, 2014

Nicole Elling  
Corporate Compliance Administer  
Delicato Family Vineyards  
12001 South Highway 99  
Manteca, CA 95336

**RE: Gnarly Touchdown Dance Contest**

Dear Ms. Elling:

ISSUE: This correspondence is in response to your letter dated December 2, 2014, wherein you request approval to conduct the “Gnarly Touchdown Dance Contest” promotion in Pennsylvania.

According to the “Official Rules” that you provided along with your letter, the promotion is scheduled to run between January 1, 2015 and February 28, 2015.

Interested individuals may enter the contest by visiting Gnarly’s Facebook page, completing an entry form and uploading a video.

The winner of the contest will be selected by a panel of judges on March 13, 2015. The grand prize will be a trip to the 2016 “Big Game” in San Francisco, including airfare, hotel accommodations, a two hundred and fifty dollar (\$250.00) gift card, two (2) deluxe gift bags and two (2) tickets to the game.

No purchase is necessary to enter or win the contest. The contest is open only to legal residents of the United States or the District of Columbia who are twenty-one (21) years of age or older at the time of entry.

OPINION: Section 5.32(h) of the Pennsylvania Liquor Control Board’s (“Board”) Regulations states that a manufacturer, manufacturer’s representative, 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 determined that it comports with the applicable liquor laws and regulations, specifically section 493(24)(i) of the Liquor Code [47 P.S. § 4-493(24)(i)] and section 5.32(h) of the Board's Regulations [40 Pa. Code § 5.32(h)], and is acceptable for use in this Commonwealth.

Therefore, 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 spirit stores, subject to approval of the Bureau of Product Selection (POS only).
- 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 ADRESSED 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,

Nicole Elling  
December 19, 2014  
Page 3

**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  
Pamela Bernd, Product Selection

LCB Advisory Opinion No. 14-618