

December 17, 2014

Janis Carlow
Assistant to Lou Giordano
Vice President, Off Premises
Lantern Division
Southern Wine & Spirits
460 American Avenue
King of Prussia, PA 19406

RE: Rex Goliath Super Bold Party Sweepstakes

Dear Ms. Carlow:

ISSUE: This correspondence is in response to your letter received on December 9, 2014, in which you seek, on behalf of HRM Rex-Goliath Winery, a legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “Rex Goliath Super Bold Party Sweepstakes” promotion is scheduled to run from January 5, 2015 through February 1, 2015. Consumers may participate via text message or on-line through the promotional website. On or about February 3, 2015, a winner will be randomly selected under the supervision of Sweepstakes Consulting, LLC. The winner will receive a one thousand dollar (\$1,000.00) Visa gift card. The prize does not include alcoholic beverages. Entrants must be a legal resident of Pennsylvania, and be 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)].

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, Director of Marketing and Merchandising
Michelle Bonsick, Director, Bureau of Marketing Communications
Pamela Bernd, Product Selection

LCB Advisory Opinion No. 14-620