

December 18, 2014

Scott A. Schleifstein
Cohen Silverman Rowan LLP
360 Lexington Avenue
16th Floor
New York, NY 10017

RE: Once-In-A Lifetime Football Sweepstakes

Dear Mr. Schleifstein:

ISSUE: This correspondence is in response to your letter dated 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 “Once-In-A-Lifetime Football Sweepstakes” promotion is scheduled to run from January 1, 2015 through February 28, 2015. Consumers may participate via text message or on-line through the promotional website. On or about March 2, 2015, one (1) grand prize winner will be randomly selected to receive a trip to the “Big Game” in San Francisco tentatively scheduled for February 7, 2016. The prize includes four (4) nights of hotel accommodations, two (2) tickets to the VIP Celebrity Bash, two (2) VIP tickets to the Annual Celebrity Flag Football Challenge, a two thousand dollar (\$2,000.00) American Express gift check to use for transportation and the opportunity to join Rex Goliath Winery at the Big Game. The total estimated value of the grand prize is four thousand four hundred and ten dollars (\$4,410.00). The prize does not include alcoholic beverages. 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)].

Scott A. Schleifstein

December 18, 2014

Page 2

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. 14-622