

December 22, 2014

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

RE: Woodbridge Napa Sweepstakes

Dear Ms. Carlow:

ISSUE: This correspondence is in response to your e-mail received on December 4, 2014 in which you seek, on behalf of Woodbridge Winery, a legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “Woodbridge Napa Sweepstakes” promotion is scheduled to run from January 1, 2015 through April 30, 2015. Consumers may participate via text message or mail.

On or about May 7, 2015, a winner will be selected in a random drawing under the supervision of Sweepstakes Consulting LLC. The winner will be awarded a trip to San Francisco including four (4) nights of hotel accommodations, five (5) days car rental, airfare, five hundred dollars (\$500.00) in spending money, and a winery tour. The estimated cost of the prize is three thousand nine hundred dollars (\$3,900.00). Alcoholic beverages will not be part of the prize. 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 grand prize, including the tour of the winery, involves taste testing, sampling, or the provision of alcohol at no additional cost to the winner and /or his or her guest, this would be considered awarding alcoholic beverages as part of the prize and is not permitted.

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.

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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. 14-626