

January 22, 2015

Rebecca Johnson
Associate Marketing Manager
Grgich Hills Estate
Rutherford, CA 94573

RE: Grgich Hills Estate Taste the Legacy Contest

Dear Ms. Johnson:

ISSUE: This correspondence is in response to your e-mail of January 2, 2014, in which you request legal review of a contest promotion proposed to be conducted by Grgich Hills Estate.

According to the official rules you provided, the “‘Taste the Legacy’ Contest” promotion is scheduled to run from January 1 through May 31, 2015. Consumers may participate by submitting an original photo and official entry online via the promotional website or various social media websites. Each month during the entry period, a finalist will be selected to receive a prize such as a watch, a pair of tickets to a professional basketball game, a handbag, an iPad Air 2 or iPad Mini 2, or a piece of jewelry. One (1) of the five (5) finalists will be selected to receive the grand prize of a trip for two (2) to Napa, California, including airfare, lodging for three (3) nights, a winery tour, and a dinner with Violet and/or Mike Grgich. The promotion is open only to U.S. residents who are twenty-one (21) years of age or older, and no purchase is necessary to enter.

Although the official rules state that the promotion is void in Pennsylvania, among other states, it is assumed for purposes of this opinion that you plan to run the promotion in the Commonwealth.

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 promotion and determined that it comports with applicable liquor laws and regulations, specifically section 493(24)(i) of the Liquor Code and section 5.32(h) of the Board's Regulations [47 P.S. § 4-493(24)(i); 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 spirit stores, subject to approval of the Bureau of Product Selection.
- 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

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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
Joseph Puhalla, Director, Bureau of Product Selection

LCB Advisory Opinion No. 15-009