

January 27, 2015

Dijana Kristo  
Compliance and Trademark Specialist  
The Wine Group  
4569 S. Tracy Blvd.  
Tracy, CA 95377

**RE: 2015 flip-flop Wines Aruba Sweepstakes**

Dear Ms. Kristo:

ISSUE: This correspondence is in response to your e-mail sent January 14, 2015, which was forwarded to this office the same day, wherein you request approval to conduct the “2015 flip-flop Wines Aruba Sweepstakes” promotion in Pennsylvania.

According to the “Official Rules” that you provided, the sweepstakes is scheduled to begin on February 1, 2015, and runs until April 30, 2015. Interested individuals may enter the sweepstakes by visiting <http://www.flipflopwines.com>, clicking on the sweepstakes banner, and completing the entry form. There is a limit of one (1) entry per person per day.

One (1) grand prize will be awarded for the sweepstakes. The grand prize winner will be selected in a random drawing to be conducted on or about May 4, 2015. The grand prize winner will receive a six (6)-night trip for the winner and three (3) guests to the island of Aruba in the Caribbean. The trip includes the following: round-trip coach air transportation for four (4) people to Queen Beatrix International Airport on Aruba from an airport near the grand prize winner’s home; six (6)-nights’ hotel accommodations (two (2) standard rooms, double occupancy) at the Aruba Marriot Resort and Stellaris Casino; round-trip ground transportation between the airport and the hotel; a one (1)-day excursion sponsored by ABC Tours Jeep Safari for the winner and three (3) guests; and a one (1)-day sail and snorkel cruise sponsored by De Palm Tours for the winner and three (3) guests. The approximate retail value of the grand prize is six thousand, six hundred seventy-six dollars (\$6,676.00).

The sweepstakes is open only to legal residents of the fifty (50) United States and the District of Columbia who are twenty-one (21) years of age or older at the time of entry. No purchase is necessary to enter or win the sweepstakes.

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 sweepstakes 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, as long as no alcoholic beverages are awarded as part of the grand prize.

Please be advised that to the extent that any part of the trip being awarded as the grand prize involves taste testing, sampling, or the provision of alcohol at no additional cost to the winner and/or his or her guests, this would be considered awarding alcoholic beverages as part of the prize and is not permitted.

Further, please be advised that prior approval of malt or brewed beverages point-of-sale ("POS") material and prior approval of retail licensed premises POS material is no longer required. However, the requirement for prior approval of POS material intended for use in the Board's wine and spirits stores from the Bureau of Product Selection remains. The total cost of all POS advertising material relating to any one (1) brand of any one (1) manufacturer at any one (1) time may not exceed three hundred dollars (\$300.00) on a retail licensed premises. [47 P.S. § 4-493(20)(i)].

Therefore, as long as no alcoholic beverages are awarded as part of the grand prize, it is permissible to conduct this sweepstakes 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,

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. 15-010