January 30, 2015

Sarah Larsen
Jackson Family Wines, Inc.
421 Aviation Boulevard
Santa Rosa, CA 95403

RE: Murphy-Goode's 30th Man-iversary Sweepstakes

Dear Ms. Larsen:

ISSUE: This correspondence is in response to your letter dated January 13, 2015, in which you request legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania, sponsored by Murphy-Goode Winery.

According to the official rules you provided, the "Murphy-Goode 30th Man-iversary Sweepstakes" promotion is scheduled to run from February 1 through March 31, 2015. Consumers may participate by submitting an official entry form in a drop box located at a participating retailer. On or about April 15, 2015, three (3) entrants will randomly be selected to receive prizes, none of which will include alcohol. The grand prize winner will receive a television, a Capriotti's Sandwich Shop gift card, and a "goodie bag" with branded merchandise. The second prize winner will receive a gift card and goodie bag as described above, while the third prize winner will receive just a goodie bag. No purchase is necessary to enter, and the promotion is open only to adults of legal drinking age in Delaware, Maryland, and Pennsylvania.

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)], and is acceptable for use in this Commonwealth.

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.

_X_ the Board's wine and spirits stores, subject to approval of the Bureau of Product Management.

_X_ 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
Joseph Puhalla, Director, Bureau of Product Selection

LCB Advisory Opinion No. 15-014