

February 9, 2015

Mary A. Monahan
Marketing Assistant
Banfi Vintners
1111 Cedar Swamp Road
Old Brookville, NY 11545

RE: Discover Fontana Candida Sweepstakes

Dear Ms. Monahan:

ISSUE: This correspondence is in response to your e-mail and attached letter dated January 29, 2015, in which you seek approval to run the “Discover Fontana Candida Sweepstakes” in Pennsylvania.

According to the “Official Rules” that you provided, the sweepstakes was scheduled to begin on January 19, 2015, and runs until April 30, 2015. Interested individuals may enter the sweepstakes online by visiting www.facebook.com/FontanaCandida and completing an entry form. There is a limit of one (1) entry per Facebook user per day. Entrants may also earn bonus entries by sharing the sweepstakes with friends via social media.

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 15, 2015. The grand prize winner will receive a designer leather Italian handbag having an approximate retail value not to exceed one hundred fifty dollars (\$150.00).

Ten (10) second prizes will also be awarded for the sweepstakes. The second prize winners will be selected in random drawings to be conducted once a week during the sweepstakes period. Each second prize winner will receive a one hundred dollar (\$100.00) gift card.

No purchase is necessary to enter or win the sweepstakes. The sweepstakes is open only to legal U.S. residents who are twenty-one (21) years of age or older at the time of entry.

OPINION: Section 5.32(h) of the Pennsylvania Liquor Control Board’s (“Board”) Regulations states that a manufacturer, manufacturer’s representative, 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 as described above and determined that it comports with 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)].

Please be advised that prior approval of malt or brewed beverages point-of-sale ("POS") material and 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, it is permissible to conduct the proposed 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 spirits 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

Mary A. Monahan

February 9, 2015

Page 3

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. 15-036