

March 23, 2015

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

RE: Little Black Dress “Spa Day” Sweepstakes and Riunite “Dog Tags Photo” Sweepstakes

Dear Ms. Monahan:

ISSUE: This correspondence is in response to your e-mail and letter sent March 9, 2015, in which you seek approval to run the Little Black Dress “Spa Day” Sweepstakes and the Riunite “Dog Tags Photo” Sweepstakes promotions in Pennsylvania.

According to the “Official Rules” that you provided for the Little Black Dress “Spa Day” Sweepstakes, such promotion is scheduled to begin on June 1, 2015, and runs until September 30, 2015. Interested individuals may enter the sweepstakes online by visiting www.Facebook.com/LittleBlackDressWines and completing an entry form. There is a limit of one (1) entry per person, per household.

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 October 16, 2015. The grand prize winner will receive two (2) gift cards worth three hundred dollars (\$300.00) per card for up to two (2) spas of the winner’s choice.

The sweepstakes is open only to legal residents of the United States 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.

According to the “Official Rules” that you provided for the Riunite “Dog Tags Photo” Sweepstakes, such promotion is scheduled to begin on May 1, 2015, and runs until July 31, 2015. Interested individuals may enter the sweepstakes online by visiting www.Facebook.com/Riunite and completing an entry form. Entrants are required to “upload a photo including a bottle of Riunite and/or Riunite TAPS dog tags or military dog tags, along with . . . a description of 140 characters or less briefly explaining [the] photo and what it means to [them].” There is a limit of one (1) entry per Facebook user.

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 August 15, 2015. The grand prize winner will receive a trip for two (2) people to Washington, D.C. The trip includes

the following: roundtrip economy-class airfare for two (2) people from a major airport nearest the winner's residence to Washington, D.C.; hotel accommodations for three (3) nights (one (1) room, double occupancy); and a VIP tour of Washington, D.C. The approximate retail value of the trip is three thousand, five hundred dollars (\$3,500.00).

The sweepstakes is open only to legal residents of the United States or 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, 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 promotions as described above and determined that they comport 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)], as long as no alcoholic beverages are awarded as part of the grand prizes.

Please be advised that to the extent that any part of the grand prizes being awarded will involve sampling, taste testing, or the provision of alcoholic beverages at no additional cost to the winners and/or their guests, this would be construed as awarding alcoholic beverages as part of the prizes and is not permitted.

Furthermore, 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, as long as no alcoholic beverages are awarded as part of the grand prizes, it is permissible to conduct the proposed sweepstakes promotions 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 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. 15-093