

March 26, 2015

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

RE: Maggy Hawk Vineyard Sweepstakes

Dear Ms. Larsen:

ISSUE: This correspondence is in response to your e-mail and attached letter sent March 17, 2015, in which you seek approval to conduct the “Maggy Hawk Vineyard Sweepstakes” promotion in Pennsylvania.

According to the “Official Rules” that you provided, the sweepstakes is scheduled to begin on March 29, 2015, and runs until June 30, 2015. Interested individuals may enter the sweepstakes by visiting <http://www.cochon555.com/win>, clicking on the link to the sweepstakes, and following the instructions to complete and submit an entry. There is a limit of one (1) entry per person/e-mail address.

One (1) prize will be awarded for the sweepstakes. The prize winner will be selected in a random drawing to be conducted on or about July 15, 2015. The prize winner will receive a trip for two (2) people to Anderson Valley Wine Country. The trip includes the following: two (2) round trip coach airfare tickets to San Francisco from a major airport closest to the winner’s residence; the cost of one (1) checked bag per person, if such a fee is charged by the airline; one (1) hotel room for three (3) nights standard double occupancy in a hotel with a three (3)-star rating or higher; personal transportation for two (2) people for three (3) days in Anderson Valley Wine Country; a voucher towards dinner for two (2) people at Anderson Valley restaurant (excluding alcohol); a voucher towards dinner for two (2) people at Anderson Valley private home (excluding alcohol); and a vineyard tour of the Maggy Hawk Vineyard. The approximate retail value of the prize is four thousand dollars (\$4,000.00). Alcohol will not be included in any prize. The winner and his or her guest must both be twenty-one (21) years of age or older as of the start of the sweepstakes.

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. 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 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)], as long as no alcoholic beverages are awarded as part of the prize.

While the "Official Rules" that you provided indicate that alcohol will not be included in the prize, it is important to point out, in case you are unaware, that to the extent that any part of the prize being awarded, including but not limited to the vineyard tour of the Maggy Hawk Vineyard, will involve sampling, taste testing, or the provision of alcoholic beverages at no additional cost to the winner and/or his or her guest, this would be construed as awarding alcoholic beverages as part of the prize and is not permitted.

Furthermore, although you indicate that no point-of-sale ("POS") material will be used relative to this sweepstakes, please be advised that prior approval of malt or brewed beverages 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 prize, 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 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. 15-120