

April 7, 2015

Brett Hartstein
Senior Director, Brand Promotions
LeadDog Marketing Group, Inc.
440 9th Avenue, 17th Floor
New York, NY 10001

E: *The View's Vineyard Viewcation Contest*

Dear Mr. Hartstein:

ISSUE: This correspondence is in response to your e-mail of March 20, 2015, wherein you request approval on behalf of ABC and Edna Valley Vineyard to conduct "*The Views Vineyard Viewcation Contest*" in Pennsylvania.

According to the "Official Rules" that you provided with your e-mail, the promotion was scheduled to begin on April 1, 2015, and runs until May 14, 2015. Interested individuals may enter the contest by visiting www.abc.com/theview, clicking on the contest icon, completing the contest entry form, and uploading a video that introduces themselves and explains why the entrant and up to three (3) friends and/or family members deserve a getaway. There is a limit of one (1) entry per person during the entry period.

All eligible entries received will be reviewed by the administrator, who will select the approximately thirty (30) top entries based on the following equally weighted judging criteria: originality of video; emotional impact of video; and overall suitability of video for promotion purposes. A judging panel will then judge the top thirty (30) entries based on the same criteria set forth above, and the highest scoring entry will be deemed the grand prize winner.

One (1) grand prize will be awarded for the contest. The grand prize winner will receive a four (4) day/three (3) night trip for the winner and up to three (3) guests to the Edna Valley Vineyard in San Luis Obispo, California. The trip includes the following: round-trip coach air transportation for the grand prize winner and up to three (3) guests to a San Luis Obispo area airport from a major commercial airport near the winner's residence; three (3) nights' standard hotel accommodations (one (1) room, quadruple occupancy) in a hotel of the sponsor's choice in the San Luis Obispo area; round-trip ground transportation to/from the San Luis Obispo area airport, the

hotel, and the Edna Valley Vineyard; and a tour of the Edna Valley Vineyard led by an Edna Valley Vineyard winemaker. The grand prize winner and his or her guests will be accompanied by Mario Cantone during the tour portion of the grand prize, and the tour and/or other portions of the trip will be filmed for a segment on ABC's *The View*. The approximate retail value of the prize is seven thousand, two hundred dollars (\$7,200.00).

No purchase is necessary to enter or win the contest. The contest is open only to legal residents of the fifty (50) United States or the District of Columbia 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 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 grand prize.

Please be advised that to the extent that any part of the trip being awarded as the grand prize, including but not limited to the tour of the Edna Valley Vineyard, will involve sampling, taste testing, or the provision of alcoholic beverages at no additional cost to the winner and/or his or her guests, this would be construed as awarding alcoholic beverages as part of the prize 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 prize, it is permissible to conduct the proposed 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. 15-146