

April 27, 2015

Carlie Speelman  
Associate Regulatory Affairs Administrator  
Trincher Family Estates

**E: Bandit Summer Text2Win Sweepstakes**

Dear Ms. Speelman:

ISSUE: This correspondence is in response to your e-mail sent April 14, 2015, in which you request approval to conduct a sweepstakes promotion in Pennsylvania sponsored by Rebel Wine.

According to the official rules you provided, the “Bandit Summer – Text2Win Sweepstakes” promotion is scheduled to run from May 1, 2015 through July 31, 2015. Consumers may participate either by submitting an entry form online via the promotional website or via text message. On or about August 3, 2015, three (3) entrants will be randomly selected to receive a cylindrical cooler with an approximate retail value of one hundred eighty-eight dollars and eighty-five cents (\$188.85). Twenty (20) entrants will be randomly selected to receive a “Glamping with Mary Jane” book by Mary Jane Butters with an approximate retail value of twenty-four dollars and ninety-nine cents (\$24.99). No purchase is necessary to enter, and the promotion is open only to legal residents of the United States, excluding Puerto Rico and all U.S. territories and possessions, 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 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)].

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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.
- the Board's wine and spirits stores, subject to approval of the Bureau of Product Management.
- 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. 15-187