

May 7, 2015

Valerie Machen
Compliance Manager
Mendocino Wine Co.

**RE: Wines That Rock – Grateful Dead Wine “I Need a Miracle”
Sweepstakes**

Dear Ms. Machen:

ISSUE: This correspondence is in response to your e-mail sent April 27, 2015, wherein you seek approval to conduct the Wines That Rock – Grateful Dead Wine “I Need A Miracle” Sweepstakes in Pennsylvania.

According to the “Official Rules” that you provided, the sweepstakes was scheduled to begin on May 1, 2015, and runs until June 18, 2015. Interested individuals may enter the sweepstakes by accessing the Wines That Rock – Grateful Dead Wine “I Need A Miracle” Sweepstakes application on the Facebook platform at <https://www.facebook.com/winesthatrock> and following the instructions to submit an entry. There is a limit of one (1) entry per person/dwelling/e-mail address/Facebook account during the sweepstakes period. However, entrants can earn one (1) bonus entry for each friend they refer to the sweepstakes, and three (3) bonus entries for each photo that they submit.

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 June 19, 2015. The prize winner will receive airfare, hotel accommodations, and concert tickets for two (2) people to attend each of the three (3) Grateful Dead shows being held in Chicago at Soldier Field on July 3rd, 4th, and 5th. The approximate retail value of the prize is two thousand, five hundred dollars (\$2,500.00).

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.

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.

Please be advised that to the extent that any part of the trip being awarded as the prize 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, 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 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. 15-204