

May 13, 2015

Janis A. Carlow
Assistant to Lou Giordano
Vice President, Off Premise
Lantern Division
Southern Wine & Spirits

RE: “Ruffino Giveaways” Sweepstakes

Dear Ms. Carlow:

ISSUE: This correspondence is in response to your e-mail sent May 6, 2015, in which you request approval to conduct the “Ruffino Giveaways” Sweepstakes in Pennsylvania.

According to the “Official Rules” that you provided, the sweepstakes is scheduled to begin on June 3, 2015, and runs until November 12, 2015. The sweepstakes is divided into two (2) different monthly giveaway periods. Interested individuals may enter the sweepstakes at <https://www.facebook.com/ruffinowines> by posting a comment in response to a specific question during each monthly giveaway period. Entrants must either join or be an existing member of Facebook in order to enter. There is a limit of one (1) entry per person or e-mail address per monthly giveaway period. Non-winning entries from the first monthly giveaway period do not carry over to the second monthly giveaway period.

Ten (10) prizes will be awarded for the first monthly giveaway period, and five (5) prizes will be awarded for the second monthly giveaway period. The prize winners will be selected in a random drawing to be conducted approximately three (3) days following the end of each monthly giveaway period. Each prize winner from the first monthly giveaway period will receive a set of four (4) Ruffino champagne flutes, having an approximate retail value of twenty dollars (\$20.00) per set. Each prize winner from the second monthly giveaway period will receive a Ruffino cutting board, having an approximate retail value of sixty dollars (\$60.00). The prizes do not include alcoholic beverages. There is a limit of one (1) prize per household during the entire sweepstakes period.

The sweepstakes 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 as of the date 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, a manufacturer's representative, or a 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)].

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, 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. 15-211