

May 27, 2015

Jessica Fenstermaker
Administrative Assistant for Marketing & Retail Sales
Capital Wine & Spirits LLC
129 Hartman Road
North Wales, PA 19454

RE: Francis Ford Coppola Winery Family Vacation Sweepstakes

Dear Ms. Fenstermaker:

ISSUE: This correspondence is in response to your e-mail sent May 20, 2015, in which you request approval to conduct the “Francis Ford Coppola Winery Family Vacation Sweepstakes” in Pennsylvania.

According to the “Official Rules” that you provided, the sweepstakes is scheduled to run from August 24, 2015 through September 27, 2015. Interested individuals may enter the sweepstakes via text message by texting “FAMILY” to the short code “65047” or via the Internet by visiting www.CoppolaPASweeps.com.

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 September 28, 2015. The prize winner will receive a trip for up to four (4) people to visit the Francis Ford Coppola Winery in California. The trip includes the following: up to four (4) roundtrip standard economy airfare tickets from a major commercial airport in the United States to a major airport near Sonoma County, California; economy car rental for four (4) days; three (3) nights’ hotel accommodations at a hotel near the winery (two (2) double occupancy rooms); one (1) complete day at the Francis Ford Coppola Winery in Geyersville, California, including one (1) cabin for the day for four (4) people and one (1) winery tour for four (4) people; and one (1) dinner at Rustic for four (4) people. The approximate retail value of the prize is five thousand dollars (\$5,000.00).

The sweepstakes is open only to legal residents of Pennsylvania who are at least twenty-one (21) years of age. No purchase is necessary to enter or win.

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)], 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, including the winery tour, 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 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.

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X the Board's wine and spirits stores, subject to approval of the Bureau of Product Selection (POS only).

X 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. 15-233