

July 15, 2015

Mary A. Monahan
Marketing Assistant
Banfi Vintners
VIA E-MAIL: mmonahan@banfi.com

RE: Three Sweepstakes Promotions

Dear Ms. Monahan:

ISSUE: This correspondence is in response to your letter of July 2, 2015, in which you request legal review of three (3) proposed sweepstakes promotions to be conducted in Pennsylvania.

According to the official rules you provided, the first promotion, the “Natura Wines Glamping Getaway Photo Contest,” sponsored by Banfi Wines, is scheduled to run from August 1 through October 10, 2015. Consumers may participate by completing an online entry form via social media websites. One (1) entrant will be randomly selected to receive the grand prize of a trip to the “Safari Cabin Tent [n]ear Warner Springs, California.” Ten (10) second prize winners will each receive a voucher to be used on a getaway booked on glampinghub.com. The promotion is open only to adults of legal drinking age, and no purchase is necessary to enter.

The second promotion, the “Fontana Candida Experience Rome Sweepstakes,” sponsored by VB Imports, is scheduled to run from September 1 through December 31, 2015. Consumers may participate by completing an online entry form via Facebook. One (1) entrant will be randomly selected to receive the grand prize of a trip to Rome. Four (4) second prize winners will each receive a gift card valued at one hundred dollars (\$100.00). The promotion is open only to adults of legal drinking age, and no purchase is necessary to enter.

The third promotion, the “Riunite Ultimate Chili Challenge,” sponsored by VB Imports, is scheduled to run from August 1 through October 31, 2015. Consumers may participate by submitting an original recipe and an online entry form via the

promotional website. Forty (40) semifinalists, chosen by a panel of judges, will compete in live chili competitions, from which eight (8) national finalists will be chosen. The finalists will compete in another cooking competition, during which a panel of judges will select the winner. Semifinalists and finalists will each receive tickets to a football game and a pre-paid debit card. The grand prize winner will receive a trip to the “big game” in San Francisco, California, on February 7, 2016. The promotion is open only to adults of legal drinking age, and no purchase is necessary to enter.

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)].

This office has reviewed the promotion and determined that it comports with applicable liquor laws and regulations, specifically section 493(24)(i) of the Liquor Code and section 5.32(h) of the Board’s Regulations [47 P.S. § 4-493(24)(i); 40 Pa. Code § 5.32(h)], assuming alcoholic beverages will not be included in any of the prizes.

Therefore, it would be permissible to conduct this promotion in the Commonwealth, subject to the above limitation, in reference to the areas checked below:

- retail licensed premises.
- distributor licensed premises.
- both retail and distributor licensed premises.
- the Board’s wine and spirit stores, subject to approval of the Bureau of Product Selection.

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
Joseph Puhalla, Director, Bureau of Product Selection

LCB Advisory Opinion No. 15-296