

July 23, 2015

Rachel Snyder
One Line Sports Agency
29 Chelsea Drive
Syosset, NY 11791
VIA E-MAIL: rsnyder@onelineagency.com

RE: Gloria Ferrer Glorious Bites Appetizer Challenge

Dear Ms. Snyder:

ISSUE: This correspondence is in response to your e-mail sent July 13, 2015, wherein you request approval on behalf of Gloria Ferrer Caves & Vineyards to conduct the “Gloria Ferrer Glorious Bites Appetizer Challenge” contest promotion in Pennsylvania.

According to the “Official Rules” that you provided, the contest promotion was scheduled to begin on July 20, 2015, and runs until October 10, 2015. Interested individuals may enter the contest by visiting www.gloriusbites.com between July 20, 2015 and August 31, 2015, and registering an original appetizer recipe that is best paired with Gloria Ferrer Sonoma Brut wine. The recipe must be five hundred (500) words or less. Each contestant is permitted to have a maximum of five (5) approved contest entries; however, the same recipe may not be registered more than once.

On or about September 2, 2015, a panel of judges will judge all of the eligible entries based on the following criteria: originality—thirty-three and one-third percent (33.3%); perceived taste appeal—thirty-three and one-third percent (33.3%); and perceived pairing with Sonoma Brut—thirty-three and one-third percent (33.3%). The ten (10) entries (five (5) from each region) receiving the highest scores will be the semi-finalists.

The semi-finalists from each region will then be required to prepare their appetizer recipe during one (1) of two (2) regional, live cook-off events to be held on September 12, 2015 and September 19, 2015, respectively. Each semi-finalist will receive a one hundred dollar (\$100.00) pre-paid debit card for required appetizer

ingredients for the regional cook-off. Each semi-finalist will also receive either a two hundred dollar (\$200.00) pre-paid debit card to put towards travel expenses or paid airfare and hotel accommodations for the semi-finalist and a guest, depending on how far away they reside from the regional cook-off location. A panel of judges will judge the prepared recipes based on the following criteria: originality—twenty-five percent (25%); taste—twenty-five percent (25%); appearance/overall presentation—twenty-five percent (25%); and pairing with Sonoma Brut—twenty-five percent (25%). The two (2) semi-finalists per region with the highest total scores will be the national finalists.

The four (4) national finalists (two (2) from each region) will subsequently be required to prepare their appetizer recipe in a national, live cook-off competition to take place on or about October 10, 2015. Each national finalist will receive a one hundred dollar (\$100.00) pre-paid debit card for required appetizer ingredients for the national cook-off. Each semi-finalist will also receive either a two hundred dollar (\$200.00) pre-paid debit card to put towards travel expenses or paid airfare and hotel accommodations for the finalist and a guest, depending on how far away they reside from the national cook-off location. A panel of judges will again judge the prepared recipes based on the following criteria: originality—twenty-five percent (25%); taste—twenty-five percent (25%); appearance/overall presentation—twenty-five percent (25%); and pairing with Sonoma Brut—twenty-five percent (25%).

The one (1) national finalist who receives the highest total score during the national cook-off will be the grand prize winner. The grand prize winner will be awarded a five thousand dollar (\$5,000.00) cash prize.

The contest 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. No purchase is necessary to enter or win the contest.

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 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 prizes.

Please be advised that to the extent that any part of the trips being awarded to the semi-finalists or national finalists will involve sampling, taste testing, or the provision of alcoholic beverages at no additional cost to the semi or national finalists and/or their guests, this would be construed as awarding alcoholic beverages as part of the prizes 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 prizes, 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.

- 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
Joseph Puhalla, Director, Bureau of Product Selection

LCB Advisory Opinion No. 15-317