

August 5, 2015

Carlie Speelman
Associate Regulatory Affairs Administrator
Trincherro Family Estates
St. Helena, CA 94574

RE: Sugar Island Halloween Spirit Contest

Dear Ms. Speelman:

ISSUE: This correspondence is in response to your e-mail of July 29, 2015, wherein you request approval to conduct the “Sugar Island Halloween Spirit Contest” in Pennsylvania.

According to the “Official Rules” that you provided with your e-mail, the contest is scheduled to begin on September 1, 2015, and runs until December 1, 2015. Interested individuals may enter the contest by following instructions on www.sugarislandrum.com/photo, including uploading an original photograph of themselves in a mermaid or rum runner costume. Sugar Island rum may be pictured, but it is not required and does not improve the chances of winning. There is a limit of one (1) entry per e-mail, per person, per week.

One (1) grand prize will be awarded for the promotion. The grand prize winner will be selected by a judge on or about December 15, 2015, based on creativity and originality, as well as adherence to the contest guidelines. The grand prize winner will receive a trip for (2) people to the U.S. Virgin Islands. The trip includes the following: round-trip coach airfare for the winner and one (1) guest from the gateway city nearest the winner’s home to a major airport in the U.S. Virgin Islands; a five hundred dollar (\$500.00) VISA debit card to be used for meals, leisure activities and incidental expenses; and double occupancy accommodations for a three (3)-night stay at a hotel selected by the sponsor. The approximate retail value of the grand prize is three thousand dollars (\$3,000.00). No alcoholic beverages are included in the prize.

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The contest is open only to legal residents of the forty-eight (48) contiguous 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 contest.

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 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 grand prize.

Although the "Official Rules" that you provided indicate that no alcoholic beverages are included in the prize, please be advised that to the extent that any part of the trip being awarded as the grand 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)].

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Therefore, as long as no alcoholic beverages are awarded as part of the grand prize, it is permissible to conduct the proposed 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 spirit 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
Joseph Puhalla, Director of Product Selection

LCB Advisory Opinion No. 15-324

