

August 6, 2015

Carlie Speelman  
Associate Regulatory Affairs Administrator  
Trincherro Family Estates  
St. Helena, CA 94574  
**VIA E-MAIL:** [cspeelman@tfewines.com](mailto:cspeelman@tfewines.com)

**RE: 2015 Fall Live in the Vineyard Sweepstakes**

Dear Ms. Speelman:

ISSUE: This correspondence is in response to your e-mail of July 31, 2015, wherein you request approval to conduct the “2015 Fall Live in the Vineyard Sweepstakes” in Pennsylvania.

According to the “Official Rules” that you provided with your e-mail, the sweepstakes is scheduled to begin on August 15, 2015, and runs until October 15, 2015. The sweepstakes is open only to legal residents of the 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.

Interested individuals may enter the sweepstakes by visiting [www.sutterhome.com](http://www.sutterhome.com), looking for the Live in the Vineyard Sweepstakes icon, and following the on-screen instructions. There is a limit of one (1) entry per e-mail, per person, per day.

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 October 16, 2015. The prize winner will receive a trip for two (2) people to Napa, California. 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 near Napa; reimbursement for one (1) rental car for ground transportation (up to three hundred dollars (\$300.00)); a two hundred fifty dollar (\$250.00) Visa debit card for meals and incidental expenses (alcoholic beverages excluded); double occupancy hotel accommodations for three (3) nights; and admission for two (2) people to various

Live in the Vineyard events in the Napa Valley between November 5, 2015 and November 8, 2015. The approximate retail value of the prize is two thousand, three hundred dollars (\$2,300.00). No alcoholic beverages are included in the prize.

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.

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 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)].

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.
- 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. 15-328