

August 10, 2015

Jim Heetmann
Promotion Mechanics, Inc.
87 South Main Street
Newtown, CT 06470
VIA E-MAIL: jim@promotionmechanics.com

RE: Mionetto Pink Cork for the Cause Sweepstakes

Dear Mr. Heetmann:

ISSUE: This correspondence is in response to your letter of July 30, 2015, in which you request legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania, sponsored by Mionetto USA Inc.

According to the official rules you provided, the “Mionetto ‘Pink Cork for the Cause’ Promotion” is scheduled to run from August 1 through December 31, 2015. Consumers may participate by purchasing a promotional bottle of Mionetto Prestige Brut and Gran Rosé. If the bottle contains a pink cork, it is a winner. Alternatively, consumers may obtain a free entry by mail. Six (6) winners will each receive a hand mixer. In addition, one (1) of the winners will be randomly selected to receive a donation to a charity of the winner’s choice in the amount of ten thousand dollars (\$10,000.00). The promotion is open only to Pennsylvania residents of legal drinking age.

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 and has determined that it comports with applicable liquor laws and regulations, specifically subsection 493(24) of the Liquor Code [47 P.S. § 4-493(24)] and section 5.32(h) of the Board's Regulations [40 Pa. Code § 5.32(h)].

Therefore, it would be permissible to conduct this 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 spirits stores, subject to approval of the Bureau of Product Management.
- 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. 15-335