August 19, 2015

Janis A. Carlow
Assistant to Lou Giordano
Vice President, Off Premise
Lantern Division
Southern Wine & Spirits

RE: Robert Mondavi Holiday Party Sweepstakes

Dear Ms. Carlow:

ISSUE: This correspondence is in response to your e-mail received August 12, 2015, in which you request legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania, sponsored by Robert Mondavi.

According to the official rules you provided, the "Robert Mondavi Holiday Party Sweepstakes" promotion is scheduled to run from November 1 through December 15, 2015. Consumers may participate online via Facebook or by text message. One (1) entrant will be randomly selected to receive the grand prize of a check for one thousand five hundred dollars ($1,500), five (5) sweaters, and candy. One (1) second prize winner will also receive a sweater and candy. The prizes will not include alcoholic beverages. No purchase is necessary to enter, and the promotion is open only to adults 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.

__X__ the Board's wine and spirits stores, subject to approval of the Bureau of Product Management.

__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. 15-348