

September 11, 2015

Nicole Elling
Corporate Compliance BRM
Delicato Family Vineyards
12001 S Highway 99
Manteca, California 95336

E: Bota Box Picnic Glasses Contest

Dear Ms. Elling:

ISSUE: This correspondence is in response to your e-mail and letter of August 28, 2015, wherein you request approval, on behalf of Delicato Family Vineyards, to conduct the Bota Box Picnic Glasses Contest in Pennsylvania.

According to the "Official Rules" that you provided, the contest was scheduled to begin on August 31, 2015, and ends after two hundred (200) entries have been made. Interested individuals may enter the contest by visiting <http://botabox.mavrck.co/>, participating in the activities provided on the page, and supplying the required information (including a valid e-mail address) during the contest period. Registration with Facebook is required to enter the contest. There is a limit of one (1) entry per person.

Two hundred (200) winners will receive a Bota Box Picnic Glass Set, with an approximate retail value of fifteen dollars (\$15.00). No purchase is necessary to enter or win the contest. 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.

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 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)], and is acceptable for use in this Commonwealth.

Please be advised that prior approval of malt or brewed beverages point-of-sale ("POS") material and prior approval of 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, 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

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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, Product Selection

LCB Advisory Opinion No. 15-392