September 28, 2015

Jocelyn Aaron
Administrative Assistant
Retail Sales
Capital Wine & Spirits
VIA E-MAIL: jaaron@charmer-sunbelt.com

RE: Korbel #SayBrunchContest Photo Contest

Dear Ms. Aaron:

ISSUE: This correspondence is in response to your e-mail of September 16, 2015, in which you request legal review of a proposed contest promotion to be conducted in Pennsylvania.

According to the official rules you provided, the "Korbel #SayBrunchContest Photo Contest" promotion is scheduled to run October through December 2015. Consumers may participate online via the promotional website or via social media platforms. One (1) entrant will be selected by a panel of judges to receive the grand prize of a trip to the Korbel Winery. In addition, twenty-five (25) first prize winners will each receive a branded gift set to include glasses, an ice bucket, a bar mat, a water bottle, and a tote. Alcoholic beverages will not be part of the prizes. 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.

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

Therefore, it would be permissible to conduct this promotion in the Commonwealth, subject to the above limitation, 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
Stacy Kriedeman, Director, Marketing Communications
Joseph Puhalla, Director, Bureau of Product Selection

LCB Advisory Opinion No. 15-414