

December 18, 2015

Mary A. Monahan
Marketing Assistant
Banfi Vintners
1111 Cedar Swamp Road
Old Brookville, NY 11545
VIA E-MAIL

RE: Riunite “R Moment to Rock Sweepstakes”

Dear Ms. Monahan:

ISSUE: This correspondence is in response to your e-mail and letter sent December 8, 2015, in which you seek approval to run the Riunite “R Moment to Rock Sweepstakes” promotion in Pennsylvania.

According to the “Official Rules” that you provided, the sweepstakes is scheduled to begin on February 1, 2016, and runs until May 1, 2016. Interested individuals may enter the sweepstakes online by visiting www.facebook.com/Riunite and completing an entry form. Each entrant will receive one entry after completing and submitting the entry form. There is a limit of one entry per person per day. Entrants can earn bonus entries by sharing the promotion with friends on Facebook. One bonus entry will be awarded for each friend who successfully enters the sweepstakes, and a maximum of three bonus entries may be earned by each entrant during the promotion period. Entrants must be registered users of Facebook in order to participate.

A total of three grand prizes will be awarded for the sweepstakes. The grand prize winners will be selected in random drawings to be conducted on March 1, 2016, April 1, 2016, and May 2, 2016. Each grand prize winner will receive one Live Nation® Rock Flight®, which includes the following: two tickets to a Live Nation produced and promoted concert at a Live Nation owned and operated venue in the United States during the 2016 concert season; round-trip, coach-class air transportation for two from the major airport nearest the grand prize winner’s home within the United States to the major airport nearest the concert; one double occupancy standard hotel room for two nights and three days; and a \$250.00 pre-paid cash card to use toward ground transportation.

A total of 90 first place prizes will also be awarded for the sweepstakes. The first place prize winners will be selected in random drawings to be conducted every day from February 2, 2016 until May 2, 2016. Each first place prize winner will receive a \$100.00

Live Nation Concert Cash Code, which is redeemable only on the Live Nation website and is good toward the purchase of a Live Nation concert at a participating Live Nation owned and operated venue in the United States.

The sweepstakes is open only to legal residents of the United States or the District of Columbia who have a valid social security or tax ID number, are twenty-one years of age or older, and have a valid Facebook account at the time of entry. No purchase is necessary to enter or win the sweepstakes.

OPINION: Section 5.32(h) of the Pennsylvania Liquor Control Board's ("Board") Regulations states that a manufacturer, manufacturer's representative, or licensee may sponsor sweepstakes promotions subject to the following conditions:

- i. No purchase is necessary to enter.
- ii. Entrants shall be twenty-one 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 grand prizes.

Please be advised that to the extent that any part of the trips being awarded as the grand prizes will involve sampling, taste testing, or the provision of alcoholic beverages at no additional cost to the winners and/or their guests, this would be construed as awarding alcoholic beverages as part of the prizes 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 brand of any one manufacturer at any one time may not exceed \$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 grand prizes, 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 spirits 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,

RODRIGO J. DIAZ
EXECUTIVE DEPUTY 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. 15-501