

February 2, 2016

Dijana Kristo  
Compliance & Trademark Specialist  
The Wine Group, LLC  
4596 South Tracy Boulevard  
Tracy, CA 95377  
**VIA E-MAIL**

**RE: 2016 Cupcake Vineyards Treat Today Sweepstakes**

Dear Ms. Kristo:

ISSUE: This correspondence is in response to your e-mail of January 20, 2016, in which you request legal review of a sweepstakes promotion being conducted in Pennsylvania.

According to the official rules you provided, the “2016 Cupcake Vineyards Treat Today Sweepstakes” promotion is scheduled to run from February 1 through March 15, 2016. Consumers may participate online via Facebook or the promotional website. One entrant will be randomly selected to receive the grand prize of a trip for two to Palm Springs, California, including airfare, lodging for four nights, ground transportation, shuttle passes, and tickets to a weekend of the 2016 Coachella Valley Music and Arts Festival. The approximate retail value of the prize package is \$5,750.00, and it will not include alcoholic beverages. In addition, twenty entrants will be randomly selected to each receive an instant-win prize of either a \$20.00 or \$10.00 Visa gift card. 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 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 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,

RODRIGO J. DIAZ  
EXECUTIVE DEPUTY CHIEF COUNSEL

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement  
Dale Horst, Director, Marketing and Merchandising  
Stacy Kriedeman, Director, Marketing Communications  
Joseph Puhalla, Director, Bureau of Product Selection

LCB Advisory Opinion No. 16-008