

February 25, 2016

Janis A. Carlow  
Assistant to Lou Giordano  
Vice President, Off Premise  
Lantern Division  
Southern Wine & Spirits  
**VIA E-MAIL**

**RE: Kim Crawford and Clos du Bois Sweepstakes**

Dear Ms. Carlow:

ISSUE: This correspondence is in response to your e-mails received February 10, 2016, in which you request legal review of a pair of proposed sweepstakes promotions to be conducted in Pennsylvania.

According to the sample advertisement you provided, the first promotion, the “Kim Crawford/Cirque du Soleil Sweepstakes” promotion is sponsored by Constellation Imports and is scheduled to run from March 15, 2016, through February 28, 2017. Consumers may enter online via the promotional website by submitting an entry form and may earn additional entries by inviting friends. One entrant will be randomly selected to receive a trip for two to Las Vegas, Nevada, including airfare, lodging for two nights, \$500.00 in spending money, and a pair of tickets to a Cirque du Soleil performance, with an approximate retail value (“ARV”) of \$3,400.00. The prize will not include alcoholic beverages. No purchase is necessary to enter, and the promotion is open only to adults of legal drinking age.

According to the official rules you provided, the second promotion, the “Clos du Bois Spring in Sonoma Sweepstakes” promotion, sponsored by Clos du Bois, is scheduled to run from March 1 through April 26, 2016. Consumers may enter online via the promotional website, Facebook, or e-mail. Additional entries may be earned by answering daily trivia questions, logging onto the promotional website, and sharing daily content on social media. Two grand prize winners and four biweekly prize winners will be randomly selected. The grand prize is a trip for two to San Francisco, California, including airfare, lodging for three nights, and \$700.00 in spending money, with an ARV of \$3,200.00. The biweekly prize is a basket

containing picnic dishware and a wine bottle tote, with an ARV of \$100.00. 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 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 promotions and has determined that they comport 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.
- 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**

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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  
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. 16-044