

February 25, 2016

Carlie Speelman  
Associate Regulatory Affairs Administrator  
Trincherro Family Estates  
St. Helena, CA 94574  
**VIA E-MAIL**

**RE: Tres Agaves® “Margaritas in Mexico Sweepstakes”**

Dear Ms. Speelman:

ISSUE: This correspondence is in response to your e-mail sent February 17, 2016, which was forwarded to this office on February 18, 2016, wherein you request legal review of the Tres Agaves® – “Margaritas in Mexico Sweepstakes.”

According to the “Official Rules” that you provided, the sweepstakes is scheduled to begin on March 1, 2016, and runs until June 1, 2016. Interested individuals may enter the sweepstakes by visiting [www.tresagaves.com/sweeps](http://www.tresagaves.com/sweeps) and following the instructions to submit an entry. There is a limit of one entry per e-mail, per person, per day.

One grand prize will be awarded for the sweepstakes. The grand prize winner will be selected in a random drawing to be conducted on or about June 15, 2016. The grand prize winner will receive a Spirit of Jalisco package tour for two people to Jalisco, Mexico. The package tour includes the following: round-trip coach airfare for the winner and one guest from the gateway city nearest the winner’s home to a major airport near Guadalajara, Mexico; ground transportation from and to the destination airport; double occupancy accommodations for a four-night stay at a hotel selected by the sponsor; various meals (alcoholic beverages excluded); distillery tours for two people; translation services; an expert guide; and various entertainment. The trip must be taken from October 27, 2016 through October 30, 2016. The approximate retail value of the prize is \$3,500.00. No alcoholic beverages are included in the prize.

The sweepstakes is open only to legal residents of the United States who are twenty-one years of age or older 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, 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 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 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, as long as alcoholic beverages are not awarded as part of the prize.

Although the "Official Rules" that you provided indicate that no alcoholic beverages are included in the prize, it is important to point out, in case you are unaware, that to the extent that any part of the trip being awarded as the prize, including the distillery tours, will involve sampling, taste testing, or the provision of alcoholic beverages at no additional cost to the winner and/or his or her guest, this would be construed as awarding alcoholic beverages as part of the prize 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 retail licensed premises. [47 P.S. § 4-493(20)(i)].

Therefore, as long as no alcoholic beverages are awarded as part of the prize, 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 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 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 of Marketing and Merchandising  
Stacy Kriedeman, Director, Marketing Communications  
Joseph Puhalla, Director, Bureau of Product Selection

LCB Advisory Opinion No. 16-053