

April 8, 2016

Nicole Elling
Corporate Compliance BRM
Sales & Marketing
Delicato Family Vineyards
12001 South Highway 99
Manteca, CA 95336
VIA E-MAIL

RE: Z. Alexander Brown “Uncaged on the Big Stage” Sweepstakes

Dear Ms. Elling:

ISSUE: This correspondence is in response to the letter you sent via e-mail on March 21, 2016, wherein you seek legal review of a promotion that Delicato Family Vineyards would like to offer in Pennsylvania, the Z. Alexander Brown “Uncaged on the Big Stage” Sweepstakes.

According to the “Official Rules” that you provided, the sweepstakes is scheduled to begin on May 1, 2016, and will run until July 1, 2016. No purchase is necessary to enter or win the sweepstakes. The sweepstakes is open only to legal residents of the fifty United States or the District of Columbia who are twenty-one years of age or older at the time of entry.

Interested individuals may enter the sweepstakes by texting “ZABUNCAGED” to “31279” and then following the instructions, when prompted, to complete the official entry form at www.zabuncaged.com. Alternatively, interested individuals may enter by hand printing their names, zip codes, telephone numbers, e-mail addresses and dates of birth on a plain three-inch by five-inch card and mailing it to the designated address. There is a limit of one entry per e-mail address per day.

One grand prize and ten first prizes will be awarded for the sweepstakes. The prize winners will be selected in a random drawing to be conducted on or about July 6, 2016.

The grand prize winner will receive a trip for two people to attend a Zac Brown Band concert in Boston, Massachusetts. The trip includes the following: roundtrip economy-class airfare from a major airport nearest to the winner’s residence; two nights double occupancy hotel accommodations; two VIP tickets to the Zac Brown Band concert (with choice to attend the show on Saturday, August 20, 2016, or Sunday,

August 21, 2016); pre-show hospitality event; a rental car for the duration of the stay; one \$200.00 prepaid gift card for spending money; and a commemorative gift bag and travel wallet. The grand prize winner's guest must be at least twenty-one years of age. The approximate retail value of the grand prize is \$2,500.00.

Each first prize winner will receive one Z. Alexander Brown Wines gift bag to include a t-shirt, hat, keychain, and corkscrew. The approximate retail value of each first prize is \$50.00.

OPINION: Section 5.32(h) of the Pennsylvania Liquor Control Board's ("PLCB") 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 based on the "Official Rules" that you provided, 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 PLCB's Regulations, 40 Pa. Code § 5.32(h), as long as no alcoholic beverages are awarded as part of the grand prize.

Please be advised that to the extent that any part of the trip being awarded as the grand prize 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 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 PLCB's Fine Wine and Good 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 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 PLCB's Fine Wine and Good 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.

Sincerely,



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. 16-102