

April 8, 2016

Mary A. Monahan  
Marketing Compliance Officer  
Excelsior Wines  
1111 Cedar Swamp Road  
Old Brookville, NY 11545  
**VIA E-MAIL**

**RE: “Crazy for Chianti Gourmet Grilled Cheese Virtual Recipe Contest”**

Dear Ms. Monahan:

ISSUE: This correspondence is in response to your e-mail sent March 15, 2016, in which you request legal review of a promotion, the “Crazy for Chianti Gourmet Grilled Cheese Virtual Recipe Contest,” that will be offered to consumers in Pennsylvania.

According to the “Official Rules” that you provided, the contest will begin on April 1, 2016, and run until May 1, 2016. Interested individuals may enter the contest by visiting [www.chiantiandgrilledcheese.com](http://www.chiantiandgrilledcheese.com), building a virtual recipe, and pairing the same with a Banfi Chianti using the tools provided on the webpage. Entrants must name their recipe and then share it with their friends on Facebook to vote on it. There is a limit of one entry per person.

One grand prize will be awarded for the contest. The grand prize winner will be determined based on the entry that receives the most votes. The grand prize winner will receive a check in the amount of \$2,500.00.

The contest is open only to legal residents of the United States or the District of Columbia who are twenty-one years of age or older at the time of entry. No purchase is necessary to enter or win the contest.

OPINION: Section 5.32(h) of the Pennsylvania Liquor Control Board’s (“PLCB”) 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 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 PLCB's Regulations, 40 Pa. Code § 5.32(h).

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, it is permissible to conduct the proposed 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.**

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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,

A handwritten signature in cursive script that reads "Rodrigo J. Diaz".

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. 16-105