

April 22, 2016

Nicole Elling
Corporate Compliance BRM
Sales & Marketing
Delicato Family Vineyards
VIA E-MAIL

RE: Gnarly Head Ribs Recipe Contest

Dear Ms. Elling:

ISSUE: This correspondence is in response to your letter and e-mail of April 11, 2016, wherein you seek legal review of a proposed promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “Gnarly Head Ribs Recipe Contest” promotion is scheduled to run from May 30 through September 5, 2016. Consumers may participate by submitting an entry including an original ribs recipe online via the promotional website. A panel of judges will select one entrant to receive the grand prize of a check for \$5,000.00. The promotion is open only to adults of legal drinking age, and no purchase is necessary to enter.

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 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 PLCB's Regulations 40 Pa. Code § 5.32(h).

Therefore, it would be 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 wine and 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.

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. 16-125