

April 22, 2016

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

RE: Mark West Ultimate Marinade Challenge 2016

Dear Ms. Carlow:

ISSUE: This correspondence is in response to your e-mail received April 6, 2016, in which you request legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the sample advertisement you provided, the “Mark West Ultimate Marinade Challenge 2016” promotion is scheduled to run from April 25 through June 19, 2016. Consumers may participate by submitting an entry including an original recipe online via the promotional website. Public voting and a panel of judges will determine the winner, who will receive a check in the amount of \$10,000.00. In addition, eleven second prize winners will each receive a branded smoker grill and a set of grilling tools. 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 (“PLCB”) 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 promotion and has determined that it comports with applicable liquor laws and regulations, specifically subsection 493(24) of the Liquor Code and section 5.32(h) of the PLCB's Regulations. 47 P.S. § 4-493(24), 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 PLCB'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 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. 16-132