

May 4, 2016

Sarah Abney
Jackson Family Enterprises, Inc.
421 Aviation Boulevard
Santa Rosa, CA 95403
VIA E-MAIL

RE: Ultimate Sonoma Wine Country Sweepstakes

Dear Ms. Abney:

ISSUE: This correspondence is in response to your letter and e-mail of April 14, 2016, in which you request legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “Kendall-Jackson Avant Ultimate Sonoma Wine Country Sweepstakes 2016 with The Everygirl and theSkimm” promotion was scheduled to run from April 28 through May 5, 2016. Consumers were able to participate online at www.kj.com or by mail. Two entrants will be randomly selected to each receive a trip for two to Sonoma County including roundtrip airfare; the cost of two checked bags per person; lodging for three nights; \$1,000.00 in prepaid gift credit cards; a VIP tour of Kendall-Jackson Wine Estate & Gardens and up to two other Jackson Family Wines’ properties; and a gift basket with branded merchandise and apparel. The total approximate retail value of the prizes is \$8,000.00. Alcohol will not be included in the prizes. The promotion was open only to adults of legal drinking age, and no purchase was necessary to participate.

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 spirit stores, subject to approval of the Bureau of Product Selection.
- 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

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