



May 5, 2016

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

**RE: Mouton Cadet/Ruffino – VIP Europe Vacation Sweepstakes**

Dear Ms. Carlow:

ISSUE: This correspondence is in response to your e-mail sent April 20, 2016, in which you request legal review of a proposed sweepstakes promotion to be offered to consumers in Pennsylvania, the Mouton Cadet/Ruffino – “VIP Europe Vacation Sweepstakes.”

According to the “Official Rules” that you provided, the sweepstakes is scheduled to begin on May 30, 2016, and will run until June 26, 2016. Interested individuals may enter the sweepstakes online by completing and submitting the online entry form found at [wine.social/VIPTRIP](http://wine.social/VIPTRIP). Alternatively, interested individuals may enter by texting “VIPTRIP” to “47464” and then following the instructions, when prompted, to submit an entry. There is a limit of one entry per person or phone number or e-mail address per day. However, entrants can earn additional entries into the sweepstakes by inviting friends to participate.

One grand prize will be awarded for the sweepstakes. The grand prize winner will be selected in a random drawing to be conducted on or about June 27, 2016. The grand prize winner will receive a trip for the winner and one guest to France and Italy. The trip includes the following: coach air transportation for two people from the major U.S. airport closest to the winner’s residence to Paris, France, from Paris to Bordeaux, France, from Bordeaux to Rome, Italy; coach train transportation from Rome to Florence, Italy; coach air transportation from Florence back to the United States; six nights double-occupancy hotel accommodations; \$1,000.00 spending money; a tour of the Mouton Cadet winery in Bordeaux; a tour of the Ruffino winery near Florence; one meal at each winery; and ground transportation in Europe between the airports, train stations, hotels, and wineries. The approximate retail

value of the grand prize is \$10,000.00. The grand prize does not include alcoholic beverages.

The sweepstakes is open only to legal residents of Pennsylvania who are twenty-one years of age or older at the date of entry. No purchase is necessary to enter or win the sweepstakes.

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.

Although the "Official Rules" indicate that the grand prize does not include alcoholic beverages, please be advised that to the extent that any part of the trip being awarded as the grand prize, including the winery tours or winery dinners, 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 prize 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 of Marketing and Merchandising  
Stacy Kriedeman, Director, Marketing Communications  
Joseph Puhalla, Director, Bureau of Product Selection