



May 5, 2016

Dijana Kristo  
Compliance & Trademark Specialist  
The Wine Group, LLC  
4596 South Tracy Boulevard  
Tracy, CA 95377  
**VIA E-MAIL**

**RE: Cupcake Vineyards Lollapalooza Sweepstakes**

Dear Ms. Kristo:

ISSUE: This correspondence is in response to your e-mail of April 20, 2016, in which you seek legal review of a sweepstakes promotion being conducted in Pennsylvania.

According to the official rules you provided, the “Cupcake® Vineyards Treat Today Sweepstakes” promotion is scheduled to run from May 2 through June 30, 2016. Consumers may participate by submitting an entry online via the promotional website or Facebook page. One entrant will be randomly selected to receive the grand prize of a trip for two to Chicago, Illinois, including airfare, lodging for five nights, ground transportation, and two VIP tickets to each of the four days of the Lollapalooza music festival. The approximate retail value of the prize package is \$8,750.00. 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, 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 sweepstakes promotion and determined that, assuming no alcoholic beverages will be given as part of the prize, the sweepstakes

comports with applicable liquor laws and regulations, specifically section 493(24)(i) of the Liquor Code and section 5.32(h) of the PLCB's Regulations. 47 P.S. § 4-493(24)(i); 40 Pa. Code § 5.32(h).

Therefore, it is permissible to conduct the proposed sweepstakes promotion in the Commonwealth, subject to the above limitation, 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.

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

LCB Advisory Opinion No. 16-174