May 16, 2016

Carlie Speelman
Legal Administrator
Treasury Wine Estates
555 Gateway Drive
Napa, CA 94558
VIA E-MAIL

RE: Acacia Perfect Pairings Photo Contest

Dear Ms. Speelman:

ISSUE: This correspondence is in response to your e-mail sent April 29, 2016, wherein you request legal review of a proposed contest promotion to be conducted in Pennsylvania.

According to the official rules you provided, the "Acacia Perfect Pairings Photo Contest" promotion is scheduled to run from May 1 through June 30, 2016. Interested individuals may participate by text message or by submitting an entry online via the promotional website. The entry must include an original photo of a "perfect pairing" but does not need to include a bottle of Acacia wine, and including a bottle in the photo will not improve the entrant's chances of winning. A panel of judges will select one entrant to receive the grand prize of an outdoor pizza oven with an approximate retail value ("ARV") of $3,000.00. Also, eight runner-up entrants will each receive a pizza stone and cutter set with an ARV of $125.00. Alcoholic beverages will not be part of the prizes. The contest 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 is 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.

X the PLCB's wine and spirit stores, subject to approval of the Bureau of Product Selection (POS only).

X 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. 16-178