

May 18, 2016

Veronica Suarez
Reporting and Compliance Administrator
The Wine Group, LLC
4596 South Tracy Boulevard
Tracy, CA 95377
VIA E-MAIL

RE: The Flippin Cooler-A-Day Giveaway

Dear Ms. Suarez:

ISSUE: This correspondence is in response to your e-mail of May 3, 2016, in which you seek legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “Flippin Cooler-A-Day Giveaway” promotion is scheduled to run from June 1 through July 31, 2016. Consumers may participate by submitting an entry online through various social media platforms. Sixty-one daily winners will be randomly selected to receive a “flipflop Wines branded Igloo® Party Bar™ Cooler, powered by LiddUp®.” The approximate retail value of each prize is \$199.99. Alcoholic beverages will not be included in the prizes. The promotion is open only to adults of legal drinking age. No purchase is necessary to enter, nor will a purchase increase the entrant’s odds of winning.

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 it 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 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 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. 16-183