

July 21, 2016

Nicole Alvarado  
Corporate Compliance BRM  
Sales & Marketing  
Delicato Vineyards  
**VIA E-MAIL**

**RE: Handcraft Master the Main Course in Napa Sweepstakes**

Dear Ms. Alvarado:

ISSUE: This correspondence is in response to your e-mail sent July 5, 2016, in which you seek legal review of a sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “Handcraft Master the Main Course in Napa” sweepstakes is scheduled to run from August 1 through October 31, 2016. Interested individuals must text “HANDCRAFTWINE” to 31279 to receive a link to [www.handcraftmaincourse.com](http://www.handcraftmaincourse.com) to complete the required online information. Entrants may also enter the sweepstakes by mailing his or her full name, address, telephone number, email address, and date of birth to the designated P.O. Box.

One entrant will be selected to receive the grand prize of a trip for two to Northern California, including airfare, lodging for three nights, a cooking experience at the Culinary Institute of America in Napa, California, ground transportation, and a travel wallet. The approximate retail value of the grand prize is \$3,350.00. Five entrants will be selected to receive the second-place prize of a KitchenAid Hand Mixer. The approximate retail value of each second-prize is \$70.00. Twenty-five entrants will be selected to receive the third-place prize of a Culinary Gift Bag, which includes an apron, measuring cups, and recipe book. The approximate retail value for each third-place prize is \$50.00. The promotion is only open to adults of legal drinking age and alcoholic beverages are not included in any of the prizes. No purchase is necessary to enter 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 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), and is acceptable for use in this Commonwealth.

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 retail licensed premises. 47 P.S. § 4-493(20)(i).

Furthermore, please be advised that to the extent that any part of the trip being awarded as the grand prize 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.

Therefore, 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  
Charles Mooney, Chief Operating Officer  
Dale Horst, Director of Marketing and Merchandising  
Stacy Kriedeman, Director, Marketing Communications  
Joseph Puhalla, Director, Bureau of Product Selection

LCB Advisory Opinion No. 16-253