

July 21, 2016

Mary A. Monahan  
Marketing Compliance Officer  
Banfi Vintners  
1111 Cedar Swamp Road  
Old Brookville, New York 11545

**VIA E-MAIL**

**RE: Riunite Ultimate Tailgate Party Sweepstakes**

Dear Ms. Monahan:

ISSUE: This correspondence is in response to your e-mail dated July 1, 2016, in which you seek legal review, on behalf of Riunite wines, of a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “Riunite Ultimate Tailgate Party” sweepstakes promotion is scheduled to begin on August 1, and runs until October 31, 2016. To enter the sweepstakes, entrants must go to [www.riunitetailgate.com](http://www.riunitetailgate.com) and follow the provided online instructions. Entrants are limited to one entry per e-mail; however, entrants who properly register for the sweepstakes can receive up to five bonus entries by using the sharing feature provided on the website.

One entrant will be randomly selected to receive the grand prize of a Ultimate Tailgate Party package for nineteen, which includes access to an invitation-only RV pre-game tailgate at a football stadium near the residence of the entrant, catered food and non-alcoholic beverages, gift bags, an appearance from a retired professional football player, and a \$5,000.00 check for the grand prize winner. The approximate retail value for the grand prize is \$22,000.00. An additional five entrants will be randomly selected to receive a tailgate set for a desired professional football team, including a pop-up tent, char, and cooler. The approximate retail value of each prize is \$550.00. 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 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), so long as no alcoholic beverages are awarded as part of the grand prize.

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.

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 Board's wine and 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, it would be permissible to conduct the sweepstakes 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  
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. 16-254