

August 18, 2016

Mary Monahan
Marketing Coordinator
Banfi Vintners
1111 Cedar Swamp Road
Old Brookville, New York 11545
VIA E-MAIL

RE: Natura Wines Glamping Getaway Photo Contest

Dear Ms. Monahan:

ISSUE: This correspondence is in response to your e-mail dated August 9, 2016, in which you seek legal review, on behalf of Natura Wines, of a contest promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “Glamping Getaway Photo Contest” promotion was scheduled to begin on August 1, and runs until September 30, 2016. Entrants may enter the contest via Facebook or Instagram. To enter the contest via Facebook, entrants must visit www.facebook.com/NaturaWine to complete the online entry form and submit a photo or video of “Natura in nature.” To enter the contest via Instagram, entrants must post a photo with the “#SipAndGlamp” “hashtag” and “tag” “@NaturaWines” and “@glampinghub.”

One entrant’s photo or video will be selected based on adherence to the “[N]atura in nature” theme, creativity and originality, and clarity and resolution of photo, to receive the grand prize of a trip for two to the “Glamping Hub location,” including lodging for three days at the “Safari Cabin Tent [n]ear Warner Springs, California” and airfare. The approximate retail of the grand prize package is \$1,500. An additional ten entrants will be selected based on the photo and video judging criteria mentioned above to receive the second prize of a \$50.00 voucher towards a “glamping hub getaway” on www.glampinghub.com. The promotion is only open adults who are at least twenty-one years of age and no purchase is necessary to enter the contest.

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 contest 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 contest 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 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 is permissible to conduct the proposed contest 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 Fine Wine and Good Spirits 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. 16-306