

September 15, 2016

Kelly Lindell  
Project Manager  
Avid Marketing Group  
100 Corporate Place, Suite 200  
Rocky Hill, Connecticut 06067  
**VIA E-MAIL**

**RE: Sobeski® and Dole® Cocktail Contest**

Dear Ms. Lindell:

ISSUE: This correspondence is in response to your e-mail sent August 29, 2016, in which you seek legal review, on behalf of Marie Brizard Wine & Spirits America and Dole Packaged Foods, LLC, of a sweepstakes promotion to be conducted in Pennsylvania

According to the official rules you provided, the “Sobeski® and Dole® Cocktail” contest is scheduled to begin on October 1, 2016, and runs until January 1, 2017. Consumers may enter the sweepstakes via Twitter, Facebook, or Instagram by posting their own “pineapple juice and vodka cocktail recipe” with the hashtag #SobieskiAndDoleContest. Consumers are allowed one submission during the contest period.

All eligible entries will be judged by a panel of qualified judges. The judges will score each entry based on the following weighted criteria: creativity—45%; relevance to theme—45%; and technical merit (including clarity and resolution of the photo or video, grammar, and spelling)—10%. Twenty-five grand prize winners will receive a \$100.00 Visa gift card. The contest is open only to legal residents who are at least twenty-one years of age or older at the time of entry. No purchase is necessary to enter or win the contest and alcoholic beverages are not included in the grand prize.

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).

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

Therefore, as long as no alcoholic beverages are awarded as part of the grand prize, 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**

Kelly Lindell  
September 15, 2016  
Page 3

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,

A handwritten signature in cursive script that reads "Rodrigo J. Diaz".

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. 16-353