

September 13, 2016

Carlie Speelman
Legal Administrator
Treasury Wine Estates
555 Gateway Drive
Napa, CA 94558
VIA E-MAIL

RE: 19 Crimes Royal Pardon Instant Win Game and Sweepstakes

Dear Ms. Speelman:

ISSUE: This correspondence is in response to your e-mail sent August 26, 2016, wherein you request legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “19 Crimes Royal Pardon Instant Win Game and Sweepstakes” promotion consists of an instant win game, a national sweepstakes, and a regional sweepstakes. The promotions were scheduled to begin on September 1, and run until October 31, 2016. In order to play the Royal Pardon Instant Win Game (“Game”) and enter the sweepstakes, consumers must have a game code. Consumers may acquire a game code by: making a purchase of “a qualifying product” from a participating retailer and scratch off the “designated area” of the neck hanger to reveal the code; using the provided code “WARDEN” from October 18 through October 31, 2016; or submitting a “mail-in code request” by October 17, 2016 with the required information on an index card. To play the Game, consumers who have their codes must visit www.19crimes.com/royalpardon to submit the required information. Consumers will then be prompted to follow the instructions to enter the code in order to receive one game play and one entry into the sweepstakes. Upon completion of the game, a message will appear indicating whether the consumer won or lost the game, including a prize description and confirmation number if the consumer is a potential Game prize winner. Consumers may gain up to three additional entries to the sweepstakes by posting a link to his or her Facebook “wall” or by sharing the link on Twitter.

There are 4,100 game prizes that will be awarded to the Game winners. Of the 4,100 game prizes, 1,000 winners will receive a 19 Crimes Jail key set with an approximate retail value (“ARV”) of \$12.00 each set, 1,000 winners will receive a 19 Crimes

playing card deck with an ARV of \$7.00 each, one thousand winners will receive a Rebel earbuds set with an ARV of \$7.00, 400 winners will receive a \$5.00 iTunes gift card, and 700 winners will receive a 19 Crimes t-shirt with an ARV of \$15.00.

Consumers may also enter the sweepstakes and any of regional sweepstakes without playing the Game. Consumers may enter either sweepstakes via text message or mail. To enter via text, consumers must text "CRIMES" or one of the five regional keywords, which can be found on advertising materials, to 87963. Consumers will then be prompted to fill out the required sweepstakes information. To enter via mail, consumers must submit the required information on an index card to the designated P.O. Box.

One entrant from the national sweepstakes and five entrants from the regional sweepstakes will be randomly selected to receive a trip to London, England, including airfare, lodging for seven days, ground transportation, tours of the Tower of London and the London Dungeon, and a \$1,000.00 check made payable to the winner. The ARV for each grand prize is \$7,328.00 and alcoholic beverages are not included in any of the prizes. The sweepstakes are only open to resident 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, 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).

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 wine and spirit stores, subject to approval of the Bureau of Product Selection (POS only).
- (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. 16-355