

September 13, 2016

Mary Monahan  
Marketing Compliance Officer  
111 Cedar Swamp Road  
Old Brookville, NY 10017  
**VIA E-MAIL**

**RE: Home for the Holidays Sweepstakes**

Dear Ms. Monahan:

ISSUE: This correspondence is in response to your e-mail dated September 2, 2016, in which you seek legal review, on behalf of Frontera, Casillero del Diablo and Little Black Dress wines, of a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “Home for the Holidays” sweepstakes promotion is scheduled to begin on November 1, and runs until December 15, 2016. To enter the sweepstakes, interested individuals may either visit the Frontera Wine or Little Black Dress Wines Facebook page to complete the online entry form. Individuals may acquire bonus entries by sharing the sweepstakes on his/her Facebook “wall,” inviting “friends” on Facebook to enter the sweepstakes, or by sharing the sweepstakes link on Twitter. The bonus entry will be awarded every time a “friend” enters the sweepstakes through the shared link.

One entrant will be randomly selected to receive the grand prize of a \$1,000.00 check towards the cost of round-trip airfare to the winner’s choice of location within the United States. The promotion is open only to United States residents who are at least twenty-one years of 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), 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).

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.
- 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.**

Mary Monahan  
September 13, 2016  
Page 3

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, appearing to read "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. 16-356