

September 20, 2016

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

RE: Beringer Founders' Estate "Great Steak Challenge" Sweepstakes

Dear Ms. Speelman:

ISSUE: This correspondence is in response to your e-mail sent August 11, 2016, in which you seek legal review of a sweepstakes promotion that Treasury Wine Estates would like to make available in Pennsylvania, the Beringer Founders' Estate "Great Steak Challenge" Sweepstakes.

According to the "Official Rules" that you provided, the sweepstakes promotion is scheduled to begin on September 12, 2016, and runs until February 28, 2017. Interested individuals may participate via text message, online entry, or by mail. There is a limit of one entry per day, regardless of the method of entry, for each of the two drawings to be conducted as part of the sweepstakes.

One grand prize winner will be randomly selected from among all eligible online and mail-in entries received for the first drawing, and three first prize winners will be randomly selected from among all eligible text message and mail-in entries for the second drawing. Both drawings will be conducted on or about March 8, 2017.

The grand prize winner will receive a Viking Outdoor Kitchen including a fifty-four-inch built-in gas grill, a thirty-inch warming drawer, a thirty-six-inch storage drawer, double access doors, and a stainless steel built-in twenty-four-inch wok and fifteen-inch side burner. The approximate retail value of the grand prize is \$14,455.00.

Each first prize winner will receive a Viking Outdoor Grill on a Cart including a fifty-four-inch Ultra-Premium Gas Grill and a fifty-four-inch Stainless Steel Cart. The approximate retail value of each first prize is \$9,538.00. There is a limit of one prize per person/family/household.

The sweepstakes is open only to legal residents of the fifty United States or the District of Columbia who are at least twenty-one years of age or older. No purchase is necessary to enter or win the sweepstakes.

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).

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, 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).

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. 16-362