

October 31, 2016

Nicole Alvarado  
Corporate Compliance BRM  
Sales & Marketing  
Delicato Vineyards  
**VIA E-MAIL**

**RE: Noble Vines Celebrate Your Roots Sweepstakes**

Dear Ms. Alvarado:

ISSUE: This correspondence is in response to your e-mail sent October 20, 2016, in which you seek legal review, on behalf of Delicato Family Vineyards, of a sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “Noble Vines Celebrate Your Roots” sweepstakes is scheduled to begin on November 1, and run until December 31, 2016. Consumers may enter the sweepstakes online, via mail, or via text. To enter the sweepstakes online, consumers may either go to [www.nobleknowsroots.com](http://www.nobleknowsroots.com) or the Noble Vines Facebook page to submit the required sweepstakes information. To enter the sweepstakes via text, consumers must text “NOBLE” to 24587 to receive a link to the website to complete the online entry form. To enter the sweepstakes via mail, consumers must submit the required sweepstakes information on an index card to the designated P.O. Box. Consumers may also gain additional entries to the sweepstakes by sharing an image on Instagram with the hashtag “#nvsweepstakes,” by sharing the sweepstakes on Twitter with the hashtag “#nvsweepstakes,” or by sharing the sweepstakes link via e-mail. Alternatively, consumers may gain additional entries to the sweepstakes via mail by submitting an index card with the required information, to the designated P.O. Box, specifying the method of entry (Instagram, Twitter, or e-mail). There is a limit of four entries during the sweepstakes period.

Ten entrants will be randomly selected to receive an Ancestry DNA kit. The approximate retail value of each kit is \$99.00. No purchase is necessary to enter and the sweepstakes is only open to adults of legal drinking age.

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), 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 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).

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,

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. 16-440