November 17, 2016

Veronica Suarez
Reporting and Compliance Manager
The Wine Group
4596 South Tracy Blvd.
Tracy, CA 95377
**VIA E-MAIL**

**RE: The Chloe® Wine Collection Gift Yourself Sweepstakes**

Dear Ms. Suarez:

ISSUE: This correspondence is in response to your e-mail sent October 27, 2016, in which you seek legal review of a sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the "Chloe® Wine Collection Gift Yourself" sweepstakes promotion is scheduled to begin on November 7, and run until December 16, 2016. Consumers may enter the sweepstakes by visiting www.chloewinecollection.com/giftyourself and completing the onscreen registration form. Consumers may gain an additional entry into the sweepstakes by sharing his/her sweepstakes entry on Facebook, or by visiting the "@chloewine" Instagram page and submitting the required sweepstakes information. Four entrants will be randomly selected, at four separate drawings, to receive the grand prize of a $500.00 gift card for the online retailer GILT. The promotion is only open adults of legal drinking age and no purchase is necessary to enter. It is presumed for the purposes of this response that alcoholic beverages are not included in the prize package.

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.

Furthermore, 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.

_X_ 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,

RODRIGO J. DIAZ
CHIEF COUNSEL

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement
Dale Horst, Director of Marketing and Merchandising
Stacy Kriedeman, Director, Marketing Communications
Joseph Puhalla, Director, Bureau of Product Selection

LCB Advisory Opinion No. 16-450