

January 12, 2017

Janis A. Carlow  
Assistant to Mike Guldin  
Vice President, Off Premise  
Lantern Division  
Southern Glazer Wine & Spirits  
**VIA E-MAIL**

**RE: Nobile New Zealand Sweepstakes**

Dear Ms. Carlow:

ISSUE: This correspondence is in response to your e-mail sent December 28, 2016, in which you seek legal review, on behalf of Constellation Imports, Sweepstakes Consulting, LLC, of a sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “Nobile New Zealand” sweepstakes promotion is scheduled to begin on May 1, 2017, and run until September 30, 2017. To enter the sweepstakes, consumers must complete the online entry form, which can be found at [wine.social/NOBNZSWEEPS](http://wine.social/NOBNZSWEEPS). Consumers may receive an additional entry for each “unique friend” the consumer invites to enter the sweepstakes.

One entrant will be randomly selected to receive the grand prize of a trip for two to New Zealand, including premium airfare, lodging in Marlborough, New Zealand for three days, lunch followed by a boat cruise, airfare from Marlborough to Queenstown, New Zealand, lodging for five days in Queenstown, a car rental, and \$1,750.00 cash towards dining. The approximate retail value of the grand prize is \$21,970.00. An additional entrant will be selected to receive the second prize of a trip for two to New Zealand. The prize package is identical to the grand prize package; however, winners of the second prize will be provided standard economy airfare. The approximate retail value of the second prize is \$12,170.00. Alcoholic beverages are not included in either prize package and there is no purchase necessary to enter the sweepstakes. The sweepstakes is only open to adults who are at least twenty-one years of 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, so long as alcoholic beverages are not included in any part of the prize package.

Although the official rules you provided indicate that alcoholic beverages are not included in the prize package, please be advised that to the extent that any part of the trip being awarded as the grand prize will involve sampling, taste testing, or the provision of alcoholic beverages at no additional cost to the winner and/or his or her guest, this would be construed as awarding alcoholic beverages as part of the prize and is not permitted.

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.

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).

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. 16-572