

January 24, 2017

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

**RE: Cupcake® Vineyards Coachella Sweepstakes**

Dear Ms. Suarez:

ISSUE: This correspondence is in response to your e-mail of December 29, 2016, in which you request legal review of a sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “Cupcake® Vineyards Coachella Sweepstakes” promotion is scheduled to run from January 15, 2017 through March 25, 2017. Consumers may participate by texting “COACHELLA” to 31996, or by completing an online registration form at [www.cupcakevineyards.com/sweeps](http://www.cupcakevineyards.com/sweeps). One entrant will be randomly selected to receive the grand prize package of a trip for two to the 2017 Coachella Valley Music and Arts Festival (“Festival”) including airfare, lodging for four nights, ground transportation, shuttle passes, and tickets to the festival. The approximate retail value of the prize package is \$5,000.00, and it will not include alcoholic beverages. No purchase is necessary to enter, and the promotion is open only to adults of legal drinking age.

OPINION: Section 5.32(h) of the Pennsylvania Liquor Control Board’s (“PLCB”) Regulations states that a manufacturer 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 proposed sweepstakes promotion and determined that it comports with applicable liquor laws and regulations, specifically section 5.32(h) of the Pennsylvania Liquor Control Board's ("PLCB") Regulations, 40 Pa. Code § 5.32(h).

Therefore, it would be permissible to conduct this 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 spirits stores, subject to approval of the Bureau of Product Selection (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. 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. 16-579