

January 19, 2017

Nicole Alvarado  
Compliance Business Relationship Director  
Sales & Marketing  
Delicato Vineyards  
**VIA E-MAIL**

**RE: Win a Weekend at BottleRock Sweepstakes**

Dear Ms. Alvarado:

ISSUE: This correspondence is in response to your e-mail dated January 6, 2017, in which you request legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania by Delicato Vineyards (“Sponsor”).

According to the official rules you provided, the “Win a Weekend at BottleRock” promotion is scheduled to run from February 1, 2017 to April 30, 2017. Consumers may enter the sweepstakes online by completing an entry form at [www.bottlerocksweeps.com](http://www.bottlerocksweeps.com) or through Facebook by completing an entry form through the Black Stallion Estate Winery Facebook app. Alternatively, a consumer may enter by mailing a 3” x 5” card with his or her name, zip code, telephone number, e-mail address and date of birth to the address provided or by texting the word “BOTTLE ROCK” to 24587 and following the instructions in the reply texts. One grand prize winner will receive two VIP tickets to Bottlerock May 26-28, 2017, four nights of hotel accommodations in Napa, and one \$1,500.00 gift card. The approximate retail value of the prize is \$4,952.00. The winner will be selected in a random drawing performed by an independent third party judging agency on or about May 9, 2017.

The sweepstakes is open only to legal residents of the United States and the District of Columbia who are at least twenty-one years of age at the time of entry. No purchase is necessary to enter or win the sweepstakes. The official rules indicate that no alcoholic beverages are included in the prize.

OPINION: Section 5.32(h) of the Pennsylvania Liquor Control Board’s (“PLCB”) Regulations states that a manufacturer, manufacturer’s representative, 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 as described above 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 the prize package.

Although the official rules do not indicate whether alcoholic beverages are included in the prize package, please be advised 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.

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 wine and 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 spirits stores, subject to approval of the Bureau of Product Selection (POS only).
- other – Internet, text messaging.

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 wine and 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).

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

LCB Advisory Opinion No. 17-002