

January 25, 2017

Rachael Masse
Breakthru Beverage Group
129 Hartman Road
North Wales, PA 19454
VIA E-MAIL

RE: Coppola Diamonds for Diamonds Promotion

Dear Ms. Masse:

ISSUE: This correspondence is in response to your e-mail of January 6, 2017, in which you request legal review, on behalf of Francis Ford Coppola Winery, of a proposed promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “Coppola Diamonds for Diamonds” promotion begins on May 1, 2017, and ends May 28, 2017. Consumers may participate by completing the online entry form at www.coppolaredwhiteblue.com. Three entrants will be randomly selected by the Pennsylvania Liquor Control Board (“PLCB”) to receive a prize package of a cooler and grill. The approximate retail value of each prize is \$800.00. The promotion is open only to Pennsylvania residents who are of legal drinking age, and no purchase is necessary to enter.

OPINION: Section 5.32(h) of the PLCB’s Regulations states that a manufacturer or licensee may sponsor 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 promotion and determined that it would comport with applicable liquor laws and regulations, specifically section 5.32(h) of the PLCB’s Regulations, 40 Pa. Code § 5.32(h), so long as the PLCB and its Fine Wine & Good Spirits stores are not used for the conducting of drawings or the awarding of prizes.

The promotion description indicates the prize drawing will be conducted “by the Pennsylvania Liquor Control Board.” Please be advised that a retail licensed premises may

only be involved as pick-up or drop-off points for entry forms and not for conducting drawings or the awarding of prizes by anyone, including the PLCB and its employees. Therefore, drawings or awarding of prizes at such retail licensed premises, including the PLCB's Fine Wine & Good Spirit stores, are not permissible. 40 Pa. Code § 5.32(h)(iii); Advisory No. 10 (6th Revision).

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. 17-003