

February 10, 2017

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

RE: Z. Alexander Brown Wines 92 Winner Sweepstakes

Dear Ms. Alvarado:

ISSUE: This correspondence is in response to your e-mail of January 27, 2017, in which you request legal review, on behalf of Delicato Family Vineyards, of a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules that you provided, the “Z. Alexander Brown Wines 92 Winner” sweepstakes promotion was scheduled to begin on February 1, and runs until February 28, 2017. To enter the sweepstakes, consumers must visit <http://woobox.com/y5chh> to complete the required entry form. Alternatively, consumers may enter the sweepstakes by uploading an “image, video, or story to Facebook, Twitter, or Instagram” showing how they enjoy Z. Alexander Brown Wines with the hashtag “#ZABSWEEPS.” All entries must meet the submission requirements or the submission will be considered void.

Approximately ninety-two entrants will be randomly selected to receive two Z. Alexander Brown Wines t-shirts, two Z. Alexander Brown Wines hats, and two Z. Alexander Brown Wines pins. The approximate retail value of each prize package is \$25.00. No purchase is necessary to enter, and 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 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 would comport with applicable liquor laws and regulations, specifically section 4-493(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).

Please be advised that to the extent that the winners' photographs will be used for advertisement purposes, the photographs must satisfy the advertisement requirements articulated in section 498 of the Liquor Code. 47 P.S. § 4-498.

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 materials 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 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,

A handwritten signature in cursive script, reading "Rodrigo J. Diaz".

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
Thomas Bowman, Director, Bureau of Product Selection

LCB Advisory Opinion No. 17-020