

January 11, 2019

Mary Monahan  
Marketing Coordinator  
1111 Cedar Swamp Road  
Old Brookville, NY 11545  
**VIA E-MAIL**

**RE: Riunite - This is R Moment to Rock Sweepstakes & Instant Win Promotion**

Dear Ms. Monahan:

ISSUE: This office is in receipt of your e-mail dated December 17, 2018, wherein you request legal review of a sweepstakes and instant win promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “Riunite - ‘This is R Moment to Rock Sweepstakes & Instant Win’” promotion is scheduled to begin February 1, 2019 and runs until May 1, 2019. To enter the sweepstakes and instant win promotion, interested individuals must visit [www.ticketmaster.com/riunite](http://www.ticketmaster.com/riunite) and complete the online entry form. Once the form is completed, interested individuals will receive one entry to the sweepstakes and one entry to the instant win promotion. Interested individuals may earn one additional entry to the promotion by watching a thirty-second video at the end of completing the online entry form, and one additional entry by answering five multiple choice questions. There is a limit of one sweepstakes entry and one instant win entry per person per day, not to exceed ninety-two entries per entrant. The official rules state that an entrant must be a registered user of Facebook to enter.

Three entrants will be randomly selected to receive one of three grand prizes and 3,240 entrants will be randomly selected to receive one of the instant win prizes. The first grand prize winner will receive two tickets for the winner and a guest to a Live Nation concert at a Live Nation venue during the 2019 concert season, to include: roundtrip airfare, hotel accommodations for two nights, and a \$250.00 gift card to use towards ground transportation. The approximate retail value of the first grand prize is \$2,450.00. The second grand prize winner will receive a \$3,000.00 Ticketmaster gift card, subject to the restrictions listed in the official rules. The third grand prize winner and one guest will receive a trip to visit the Riunite Winery in Italy, to include: roundtrip airfare, hotel accommodations for five nights, a \$500.00 pre-paid gift card to use towards ground

transportation, and lunch and a walking tour of the Riunite Winery in Italy. The approximate value of the third grand prize is \$6,000.00.

As for the instant win prizes, 1,800 entrants will be randomly selected to receive a \$15.00 Ticketmaster Ticket Cash code; 900 entrants will be randomly selected to receive a \$25.00 Ticketmaster Ticket Cash code; 450 entrants will be randomly selected to receive a \$50.00 Ticketmaster Ticket Cash code; and 90 entrants will be randomly selected to receive a \$100.00 Ticketmaster Ticket Cash code. The approximate retail value for all instant win prizes is \$81,000.00. No purchase is necessary to participate in the promotion, and the promotion is open only to adults who are at least twenty-one years of age at the time of entry. The official rules state that alcohol will not be included in any 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 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 of the prizes.

While the official rules indicate that alcohol is not part of any prize, please be advised that to the extent any part of a trip being awarded as a prize will involve sampling, taste testing, or the provision of alcoholic beverages at no additional cost to the winner and/or his/her guest(s), 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 Fine Wine & 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 a retail licensed premises. 47 P.S. § 4-493(20)(i).

Therefore, so long as alcoholic beverages are not included in any of the prizes, it is permissible to conduct the proposed 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 & Good Spirits stores, subject to approval of the Bureau of Product Selection.
- 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  
Thomas Bowman, Director, Bureau of Product Selection

LCB Advisory Opinion No. 18-489