

January 11, 2019

Carlie Speelman  
Compliance Business Relationship Manager – Marketing  
Delicato Family Vineyards  
**VIA E-MAIL**

**RE: Club Speakeasy Sweepstakes**

Dear Ms. Speelman:

ISSUE: This office is in receipt of your e-mail dated December 6, 2018, wherein you request legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “Club Speakeasy” sweepstakes promotion is scheduled to begin on January 1, 2019 and runs until March 31, 2019. To enter the sweepstakes, interested individuals must obtain a code, either from a qualifying product<sup>1</sup> or from an online request, and must fill out the entry form found at [www.club1924.com](http://www.club1924.com). Entrants are limited to one entry on the website per person, per day; however, entrants may earn additional entries by sharing the sweepstakes on Instagram, Twitter, and by e-mail as detailed in the official rules.

At the end of the thirteen-week promotion, one grand prize winner and one guest will receive a trip to New Orleans, Louisiana, to include: roundtrip airfare, hotel accommodations for three nights, and a \$500.00 gift card. Thirteen weekly prize winners will be randomly selected to win a \$100.00 gift card. The approximate retail value of all prizes is \$5,300.00. No purchase is necessary to enter the sweepstakes, and the sweepstakes is only open 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.

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<sup>1</sup>The official rules indicate that an interested individual may locate a qualifying product at a participating retailer but is not required to purchase the product to obtain the code.

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 and determined that it comports with applicable liquor laws and regulations, specifically section 5.32(h) of the PLCB's Regulations, 40 Pa. Code § 5.32(h), as long as alcohol is not part of any prize.

While the official rules indicate that alcohol is not part of the prizes, please be advised that to the extent 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/her guest(s), this would be construed as awarding alcoholic beverages as part of the prize and is not permitted.

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, as long as alcohol is not included in the prizes, 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.
- X The PLCB's Fine Wine & Good Spirits stores,  
subject to approval of the Bureau of Product  
Selection (POS only).
- X 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. 18-491