

January 28, 2019

Marisa Stauffer
Coastal-Pacific Wine & Spirits Broker
A Division of Southern Glazer's Wine & Spirits
460 American Avenue
King of Prussia, PA 19406
VIA E-MAIL

RE: PA Spring It On Sweepstakes

Dear Ms. Stauffer:

ISSUE: This office is in receipt of your e-mail dated January 11, 2019, wherein you request legal review of two sweepstakes promotions to be conducted in Pennsylvania. In a follow-up telephone conversation on January 18, 2019, you indicated that you were requesting legal review of only one sweepstakes promotion, "PA Spring It on Sweepstakes."¹

According to the official rules you provided, the "PA Spring It on Sweepstakes" promotion is scheduled to begin on March 25, and runs until April 28, 2019. To participate in the sweepstakes, interested individuals from the state of Pennsylvania may enter by texting "SPRING" to short code 55755 and following the commands. Alternatively, interested individuals may visit the sweepstakes website at www.SpringItOnSweepstakes.com where they must verify their age and provide their name, zip code, state, telephone number, and e-mail address. Entrants are limited to one entry per person.

One grand prize winner will be randomly selected to receive an outdoor charcoal grill, a grill stand and table, and an ash cleaning tool. Five weekly prize winners will be randomly selected to receive the following prizes: (week one) a copper ice bucket and cups; (week two) two tickets to a professional Pennsylvania baseball 2019 regular season home game; (week three) one golf trunk organizer, one set of

¹The other sweepstakes promotion originally included in your e-mail, "PA March Brunch Sweepstakes," was reviewed in a separate advisory opinion.

four gold ball chilling stones for beverages, and one pair of gold gloves; (week four) a Williams Sonoma cocktail and stainless-steel bar tool set with a stand that consists of a shaker, strainer, jigger, bottle opener, garnish knife, stirrer, and ice tongs and one decanter; and (week five) a classic liquor set that consists of a decanter and four glasses.² The total approximate value of all prizes is \$1,950.00. No purchase is necessary to enter the sweepstakes, and the sweepstakes is open only to residents of Pennsylvania who are at least twenty-one years of age at the time of entry. The guest of the winner in week two must also be twenty-one years of age and older. The official rules specify 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 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).

Further, 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).

²The official rules state that the week one prize will be drawn on April 2nd, week 2 will be drawn on April 9th, week 3 will be drawn on April 16th, week 4 will be drawn on April 23rd, and week 5 will be drawn on April 30th, 2019.

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 Fine Wine & Good 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
Thomas Bowman, Director, Bureau of Product Selection

