



August 27, 2020

Jessica LeMin  
Breakthru Beverage Group  
129 Hartman Road  
North Wales, PA 19454  
on behalf of Treasury Wine Estates Americas Company, Trinchero Family Estates,  
& Tito's Handmade Vodka  
**VIA E-MAIL**

**RE: Wines and Crimes Sweepstakes, Sutter Home for Hope Sweepstakes,  
Drink Pink for A Cure, and Vodka for Dog People Sweepstakes**

Dear Ms. LeMin:

ISSUE: This correspondence is in response to your e-mail of July 29, 2020, in which you request legal review of four promotions to be conducted in Pennsylvania.

**Wines and Crimes Sweepstakes**

According to the official rules you provided, the “Wines and Crimes” sweepstakes promotion is scheduled to begin on October 5, 2020 and runs until November 1, 2020. To participate in the sweepstakes, interested individuals may enter at [19crimessweepspa.com](http://19crimessweepspa.com), as further detailed in the official rules.<sup>1</sup>

Thirty-one prize winners will be randomly selected to each receive a “Mugshot” Instamatic Camera. The total approximate retail value of the prizes was not listed in the official rules. No purchase is necessary to enter the sweepstakes, and the sweepstakes is open only to Pennsylvania residents who are at least twenty-one years of age at the time of entry. The official rules indicate that alcohol is not included in the prize.

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<sup>1</sup> The official rules have been attached to this Advisory Opinion for your convenience.

### **Sutter Home for Hope Sweepstakes (Donation)**

According to the official rules you provided, the “Sutter Home for Hope Sweepstakes” promotion is scheduled to begin on October 5, 2020 and runs until November 1, 2020. To participate in the program, interested individuals may enter via text message, as further detailed in the official rules.<sup>2</sup>

Although the official rules describe this program as a sweepstakes, there is no random drawing and no prize winners. Instead, Pennsylvania residents may donate money via text message to the PA Breast Cancer Coalition ([www.pabreastcancer.org](http://www.pabreastcancer.org)). The sponsor will make a \$5.00 donation for each donation, up to \$10,000.00. The program is only open to Pennsylvania residents twenty-one years of age or older at time of entry. No purchase is necessary to donate, and it appears that no alcoholic purchase is necessary to donate.

### **Drink Pink for A Cure (Donation)**

This donation program has been previously submitted for review by Kelly Stoltzfus of Breakthru Beverage on July 17, 2020 and it appears the program is identical to the one you have submitted for review. Therefore, the legality of that program will be addressed in a separate advisory opinion addressed to Ms. Stoltzfus.

### **Vodka for Dog People Sweepstakes (Donation)**

According to the official rules you provided, the “Vodka for Dog People Sweepstakes” promotion is scheduled to begin on October 5, 2020 and runs until November 1, 2020. To participate in the program, interested individuals may enter via text message, as further detailed in the official rules.<sup>3</sup>

Although the official rules describe this program as a sweepstakes, there is no random drawing and no prize winners. Instead, Pennsylvania residents may donate money via text message to the PASPCA (<http://pspca.org/titos>). Donations will be used to help fund low cost veterinarian care in the state of Pennsylvania. The sponsor will match all donations up to \$10,000.00. The program is only open to Pennsylvania residents twenty-one years of age or older at time of entry. No

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<sup>2</sup> The official rules have been attached to this Advisory Opinion for your convenience.

<sup>3</sup> The official rules have been attached to this Advisory Opinion for your convenience.

purchase is necessary to donate, and it appears that no alcoholic purchase is necessary to donate.

OPINION: With regard to the Wine and Crimes Sweepstakes, Section 5.32(h) of the Pennsylvania Liquor Control Board's ("PLCB") Regulations states that a manufacturer, manufacturer's representatives, 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).

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, it is 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.

With regard to the Sutter Home for Hope and the Vodka for Dog People donation programs, section 493(24)(i) of the Liquor Code generally prohibits licensees, manufacturers, and the Pennsylvania Liquor Control Board (“PLCB”), or any employee or agent of a licensee, manufacturer, or the PLCB, from offering or giving anything of value or from soliciting or receiving anything of value as a premium or present to induce directly the purchase of liquor or malt or brewed beverages. 47 P.S. § 4-493(24)(i). Similarly, section 493(24)(i) generally prohibits licensees, manufacturers, and other persons from offering or giving to trade or consumer buyers any prize, premium, gift, or other inducement to purchase liquor or malt or brewed beverages. Id.

With these two programs, there does not appear to be inducements to directly purchase alcoholic beverages because nothing of value is being offered to the customer in order to induce the purchase (i.e., the money going to charity).

Therefore, it would be permissible to conduct these two proposed donation programs 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

Jessica LeMin  
August 27, 2020  
Page 5

BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE  
PENNSYLVANIA LIQUOR CONTROL BOARD.

Sincerely,

A handwritten signature in cursive script that reads "Rodrigo J. Diaz".

RODRIGO J. DIAZ  
CHIEF COUNSEL

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement  
Michael Demko, Executive Director  
Elizabeth Brassell, Director of Policy & Communications  
Stacy Kriedeman, Director, Marketing Communications  
Thomas Bowman, Director, Bureau of Product Selection  
[Ra-lbpromo@pa.gov](mailto:Ra-lbpromo@pa.gov)

LCB Advisory Opinion No. 20-200

ONLY OPEN TO ELIGIBLE LEGAL UNITED STATES RESIDENTS OF PENNSYLVANIA WHO ARE AT LEAST 21 YEARS OF AGE AT THE TIME OF PARTICIPATION. VOID WHEREVER TAXED, PROHIBITED OR RESTRICTED BY LAW.

NO PURCHASE NECESSARY TO ENTER OR CLAIM PRIZE. A PURCHASE OR PAYMENT WILL NOT INCREASE AN ENTRANT'S CHANCES OF WINNING. NO ALCOHOLIC BEVERAGES ARE AWARDED AS PART OF ANY PRIZE.

VALID WHILE SUPPLIES LAST.

1. To Enter: **Wines and Crimes (pending PLCB approval)** (the "Promotion") begins at 12:01 a.m. (EST) on **October 5, 2020** and ends at 11:59:59 p.m. (EST) on **November 1, 2020**. For more information and to enter, please visit **19crimessweepspa.com**. One entry per person online.
2. Prizes: **31 Offers: "Mugshot" Instamatic Camera.**
3. Determination of Winner: The winner will be determined by random drawing on or about **November 15, 2020**. Odds of winning will be determined by the total number of eligible entries timely received. The potential winner will be notified by e-mail or telephone on or about **November 27, 2020**. If the potential winner cannot be located via e-mail or telephone within 2 days of the first attempted notification, prize may, at the sole discretion of the Sponsor, automatically be forfeited and another winner selected. Winner will be required to sign an affidavit of eligibility, a liability release and, where legal, a publicity release, within 7 days of notification or prize may, at the sole discretion of the Sponsor, automatically be forfeited and awarded to another winner. Except where prohibited, participation in the Promotion and/or acceptance of a prize constitutes winner's consent to use of their name, likeness, photograph, voice and biographical data for advertising and promotional purposes without additional compensation.
4. Eligibility: The Promotion is open only to legal residents of Pennsylvania who are 21 years of age or older at the time of entry. Void wherever taxed, prohibited or otherwise restricted by law. Employees of **Treasury Wine Estates**, its parents, subsidiaries, affiliates, agents, assignees, printers, advertising, public relations, promotion and other agencies, alcohol beverage suppliers, importers, wholesalers, distributors or retailers, as well as any member of the immediate families or households of any of the foregoing, are not eligible. All federal, state and local laws apply.
5. General Conditions: No substitution of prize for cash except at Sponsor's sole discretion. Cash substitution may be less than approximate retail value of prize. Prize is non-transferable except at the sole discretion of Sponsor. All federal, state and local taxes on the prize are winner's sole responsibility. Winner's guest must be 21 years of age or older and must travel on the same itinerary. By participating in this Promotion the winner, for and on behalf of himself or herself and all of his or her heirs, personal representatives and assigns, voluntarily accepts and assumes all risk associated with participating in this Promotion and accepting, using or misusing any prize, and further agrees to completely and forever defend, indemnify and hold Sponsor and its parents, subsidiaries, officers, directors, employees, agents, and agencies harmless from and against any and all claims, costs, expenses, actions, demands, causes of action or other liabilities, known or unknown, absolute or contingent, fixed or otherwise, arising or resulting in any manner from and/or by reason of the winner's participation in the Promotion and/or his or her receipt,

acceptance, use and/or misuse of any prize.

Sponsor shall have the right, in its sole discretion, to abbreviate, modify, suspend, cancel or terminate the Promotion in whole or in part without notice or further obligation.

6. **Electronic Entries:** In the event of a dispute, online entries will be deemed made by the authorized account holder, as of the date of entry, of the e-mail address from which entry was submitted. The authorized account holder is the natural person who is assigned to the e-mail address by an internet access provider, online service, or other organization responsible for assigning e-mail addresses. Sponsor and its agencies are not responsible for lost, late, damaged, illegible, misdirected, incomplete or postage–due entries, or for online entries not received due to lost, failed, delayed or interrupted connections or miscommunications, or to other electronic malfunctions, delays, or errors of any kind. Sponsor is not responsible for incorrect or inaccurate entry information, whether caused by website visitors or by any human or technical error. Sponsor reserves the right, in its sole discretion, to cancel or suspend all or a portion of the Promotion, should viruses, bugs or other causes beyond control of the Sponsor corrupt the administration, security or proper operation of the Promotion. **ANY PERSON WHO ATTEMPTS, SUCCESSFULLY OR OTHERWISE, TO DELIBERATELY DAMAGE ANY SPONSOR OR PROMOTION-RELATED WEBSITE, OR UNDERMINE THE LEGITIMATE OPERATION OF THIS PROMOTION, IS A VIOLATION OF CRIMINAL AND CIVIL LAW AND SPONSOR WILL SEEK THE PROSECUTION OF, AND DAMAGES FROM, ANY SUCH PERSON TO THE FULLEST EXTENT PERMITTED BY LAW.**
7. **Winner's List:** For a list of winners, please send an email to (email address to be determined by supplier at a later date). All requests for the winner's list must be email date stamped received by **December 1, 2020**. The email account will be checked for 1 month for anyone who is requesting a winner's list.
8. **For Website Entry:** No purchase necessary to enter or win. Sweepstakes open only to legal residents of Pennsylvania 21 years of age or older. Void where prohibited by law. All local, state, and federal laws apply. Alcoholic beverages are not included as a part of any prize. Sweepstakes will begin at 12:00 a.m. (EST) on **10/05/2020** and ends at 11:59 p.m. (EDT) on **11/01/2020**. For directions on how to enter and for official rules, visit **[www.19crimesweepsPA.com](http://www.19crimesweepsPA.com)**

Sponsor: **Treasury Wine Estates Americas Company, 555 Gateway Drive, P.O. Box 4500, Napa, CA 94558**

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PLEASE

DRINK

RESPONSIBLY.

## **Sutter Home for Hope Sweepstakes (“Donation”)**

### **OFFICIAL RULES**

#### **1. NO PURCHASE NECESSARY TO DONATE. ONLY OPEN TO LEGAL**

**RESIDENTS OF PENNSYLVANIA.** Donation period begins on October 5, 2020 at 12:00 am Eastern Time (“EST”) and ends on November 1, 2020 at 11:59 pm EST.

**2. ELIGIBILITY:** For Donations to be eligible for the matching contribution by Sutter Home – Trinchero Family Estates. (“Sponsor”), they must be made by legal residents of Pennsylvania who are 21 years of age or older at the time of entry. Employees of Sponsor, officers, directors, shareholders, members of employees immediate families (family members include spouses, parents, siblings, children, son-in-law, daughter-in-law, all lineal descendants, including those by adoption, or any other household member) of Sponsor, their affiliates or subsidiaries, their advertising agencies, licensed alcohol beverage retailers and wholesalers, or any other alcohol beverage licensee, employees of alcohol beverage agencies and any other company involved with the design, production, execution or distribution of this promotion are not eligible to donate directly in this capacity. Donations not meeting all of the requirements stated herein will be ineligible for a matching contribution. All federal, state and local rules and regulations apply.

**3. HOW TO DONATE.** Text Hope to **89800** and follow instructions to verify your age and state of residence. A \$5.00 donation will be made, to **PA Breast Cancer Coalition**, [www.pabreastcancer.org](http://www.pabreastcancer.org), funded by Sutter Home – Trinchero Family Estates, up to the amount of \$10,000.00. Standard data fees may apply. See your wireless carrier for pricing plan details. Check your wireless phone capabilities for specific

instructions. Sweepstakes begins October 5, 2020 at 12:00 am EST and ends November 1, 2020 at 11:59 pm EST. One entry per text, per person.

## **Vodka for Dog People Sweepstakes (“Donation”)**

### **OFFICIAL RULES**

#### **1. NO PURCHASE NECESSARY TO DONATE. ONLY OPEN TO LEGAL**

**RESIDENTS OF PENNSYLVANIA.** Donation period begins on October 5, 2020 at 12:00 noon Eastern Time (“ET”) and ends on November 1, 2020 at 12:00 Noon ET.

#### **2. ELIGIBILITY:** For Donations to be eligible for the matching contribution by Tito’s

Handmade Vodka. (“Sponsor”), they must be made by legal residents of Pennsylvania who are 21 years of age or older at the time of entry. Employees of Sponsor, officers, directors, shareholders, members of employees immediate families (family members include spouses, parents, siblings, children, son-in-law, daughter-in-law, all lineal descendants, including those by adoption, or any other household member) of Sponsor, their affiliates or subsidiaries, their advertising agencies, licensed alcohol beverage retailers and wholesalers, or any other alcohol beverage licensee, employees of alcohol beverage agencies and any other company involved with the design, production, execution or distribution of this promotion are not eligible to donate directly in this capacity. Donations not meeting all of the requirements stated herein will be ineligible for a matching contribution. All federal, state and local rules and regulations apply.

**3. HOW TO DONATE.** Text VodkaDog to 55678 and follow instructions to verify your age and state of residence **and** complete donation. Standard data fees may apply. See your wireless carrier for pricing plan details. Check your wireless phone capabilities

for specific instructions. Sweepstakes begins October 5, 2020 at 12:00 Noon ET and ends November 1, 2020 at 12:00 Noon ET. One entry per text, per person.

**4. MATCHING DONATIONS.** Donations of any amount can be made to the PASPCA. See <http://pspca.org/titos> for more details. Donations will be used to help fund low cost veterinarian care in the state of PA. Tito's will match all donations by eligible individuals up to A TOTAL OF \$10,000!

## **Drink Pink for A Cure (“Donation”)**

### **OFFICIAL RULES**

#### **1. PURCHASE NECESSARY TO DONATE. ONLY OPEN TO LEGAL**

**RESIDENTS OF PENNSYLVANIA.** Donation period begins on October 5, 2020 at 12:00 am Eastern Time (“EST”) and ends on November 1, 2020 at 11:59 pm EST.

**2. ELIGIBILITY:** For every 9 Liter case of Charles & Charles Rose, Kinky Pink, Stoli Strawberry Crushed, New Amsterdam Pink Whitney, Prophecy Rose, Sterling Vintners Rose, Crios Rose of Malbec, and Baja Rosa sold during the Donation period one dollar (\$1.00) will be donated to the PA Breast Cancer Coalition. For Donations to be eligible purchase(s) must be made by legal residents of Pennsylvania who are 21 years of age or older at the time of sale. Employees of Sponsor, officers, directors, shareholders, members of employees immediate families (family members include spouses, parents, siblings, children, son-in-law, daughter-in-law, all lineal descendants, including those by adoption, or any other household member) of Sponsor, their affiliates or subsidiaries, their advertising agencies, licensed alcohol beverage retailers and wholesalers, or any other alcohol beverage licensee, employees of alcohol beverage agencies and any other company involved with the design, production, execution or distribution of this promotion are not eligible to donate directly in this capacity. Donations not meeting all requirements stated herein will be ineligible for a sales contribution. All federal, state and local rules and regulations apply.

**3. HOW TO DONATE.** A one dollar (\$1.00) donation will be made, per each 9 Liter case sold of the Sponsors wines. Donation, will be made directly by Sponsors to **PA**

**Breast Cancer Coalition, [www.pabreastcancer.org](http://www.pabreastcancer.org), up to a combined maximum of \$5,000.00.**