



September 29, 2020

Charlene Semrau  
Senior Vice President  
US Sweepstakes and Fulfillment Co.  
on behalf of Treasury Wine Estates Americas Company  
**VIA E-MAIL**

**RE: The St. Hubert's The Stag Winter Escape Sweepstakes**

Dear Ms. Semrau:

ISSUE: This correspondence is in response to your e-mail of September 17, 2020, in which you request legal review of a sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, "The St. Hubert's The Stag Winter Escape Sweepstakes" promotion is scheduled to begin on November 1, 2020, and runs until December 31, 2020. To participate in the sweepstakes, interested individuals may enter at [www.winterescapesweeps.com](http://www.winterescapesweeps.com), as further detailed in the official rules in your e-mail.

Six grand prize winners, separated by region, will be randomly selected to each receive a \$400.00 pre-paid gift card to be used towards the purchase of ski passes. Pennsylvania residents have the chance to win two of these grand prizes as either the National Grand Prize Winner or the Northeast Grand Prize Winner, as further detailed in the official rules. There will be sixty weekly prize winners chosen over nine weeks. The prizes available to weekly prize winners include a prize package (that includes a hat and scarf) or a choice of a snowboard or a pair of skis, depending on the week. The total approximate retail value of the prizes is \$6,650.00. No purchase is necessary to enter the sweepstakes, and the sweepstakes is open only to 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 prizes.

OPINION: 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.

**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  
Michael Demko, Executive Director  
Elizabeth Brassell, Director of Policy & Communication  
Stacy Kriedeman, Director, Marketing Communications  
Thomas Bowman, Director, Bureau of Product Selection  
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LCB Advisory Opinion No. 20-238