

November 30, 1998

Caryn P. Sachs

BUCHMAN & O'BRIEN

505 Sansome Street

Suite 1500

San Francisco, CA 94111

RE: Kendall-Jackson 1999 Super Bowl Sweepstakes Promotion

Dear Ms. Sachs:

ISSUE: This is in response to your inquiry of November 4, 1998 to this office in which you request an opinion as to the legality of conducting certain activities in Pennsylvania as described in the enclosed correspondence.

OPINION: This office has reviewed the proposed promotion (and accompanying point-of-sale materials) and determined that it comports with applicable liquor laws and regulations, specifically section 493(24) of the Liquor Code. [47 P.S. Section 4-493(24)]. Therefore, it is permissible to conduct such event(s) in the Commonwealth on the areas checked below:

- retail licensed premises. (tear pad method only)
- distributor licensed premises.
- both retail and distributor licensed premises.
- wine & spirit shoppes, subject to approval of Bureau of Logistics.
- K-J's Internet website.

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.

Very truly yours,

FAITH S. DIEHL

CHIEF COUNSEL

cc: Bureau of Liquor Control Enforcement,

Pennsylvania State Police

F. Hamilton

Al Connell

Peg Kerwin

Clint Rose

Refer to: (717) 783-9454

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Advisory Opinion No. 98-381