

April E. Pyatt
Manager, Intellectual Property Compliance
Pernod Ricard USA
100 Manhattanville Road, 4th Floor
Purchase, NY 10577
VIA E-MAIL: april.pyatt@pernod-ricard.com

RE: Mumm Napa® America's Cup Sweepstakes

Dear Ms. Pyatt:

ISSUE: This correspondence is in response to your e-mail and attached letter, which was forwarded to this office on July 30, 2013, in which you request approval to conduct a sweepstakes promotion in Pennsylvania.

According to the official rules you provided, the "Mumm Napa® America's Cup Sweepstakes" promotion was scheduled to run from August 1, 2013, until September 15, 2013. Consumers may participate through the promotional Facebook page. One (1) grand prize winner will randomly be selected to receive a trip for the winner and a guest to the Mumm Napa Winery in Rutherford, California, including round-trip airfare, hotel accommodations for two (2) nights, a private tour of the winery, and five hundred dollars (\$500.00) in spending money. The approximate retail value ("ARV") of the grand prize is three thousand five hundred dollars (\$3,500.00). The prize will not include alcoholic beverages. In addition, six (6) first prize winners will each receive a Mumm Napa America's Cup Fan Gear Package, including a polo shirt, backpack, hat, and book, with an ARV of two hundred dollars (\$200.00). No purchase is necessary to enter, and the promotion is open only to legal residents of the United States who are twenty-one (21) years of age or older at the time of entry.

OPINION: Section 5.32(h) of the Pennsylvania Liquor Control Board's ("Board") Regulations states that a manufacturer or licensee may sponsor sweepstakes promotions subject to the following conditions:

- i. No purchase is necessary to enter.
- ii. Entrants shall be twenty-one (21) 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 Section 5.32(h)].

This office has reviewed the proposed promotion and has determined that it comports with applicable liquor laws and regulations, specifically subsection 493(24) of the Liquor Code [47 P.S. Section 4-493(24)] and section 5.32(h) of the Board's Regulations [40 Pa. Code Section 5.32(h)], and is acceptable for use in this Commonwealth.

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 Board's wine and spirits stores, subject to approval of the Bureau of Product Management.
- other – Internet, text messaging.

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 Board's wine and spirits stores from the Bureau of Product Management remains. The total cost of all POS advertising material relating to any one (1) brand of any one (1) manufacturer at any one (1) time may not exceed three hundred dollars (\$300.00) on a retail licensed premises. [47 P.S. Section 4-493(20) (i)].

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: Pennsylvania State Police,
Bureau of Liquor Control Enforcement

James Short, Director of Marketing
Timothy Fringer, Bureau of Product Selection
Michelle Bonsick, Bureau of Marketing Communications,
Branding & Design

LCB Advisory Opinion No. 13-360