

August 9, 2013

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Jennifer Chomicki  
Marketing Compliance Manager  
Pernod Ricard USA  
250 Park Avenue  
New York, New York 10177

**RE: Jameson® Barrel Cooler Sweepstakes**

Dear Ms. Chomicki:

ISSUE: This correspondence is in response to your e-mail and letter sent July 31, 2013, and which was forwarded to this office on August 5, 2013, wherein you request approval, on behalf of Pernod Ricard USA, to run the Jameson® Barrel Cooler Sweepstakes in Pennsylvania.

According to the “Official Rules” that you provided, the sweepstakes will be divided into thirteen (13) weekly entry periods, which are as follows: Week One (1)—September 1, 2013 to September 7, 2013; Week Two (2)—September 8, 2013 to September 14, 2013; Week Three (3)—September 15, 2013 to September 21, 2013; Week Four (4)—September 22, 2013 to September 28, 2013; Week Five (5)—September 29, 2013 to October 5, 2013; Week Six (6)—October 6, 2013 to October 12, 2013; Week Seven (7)—October 13, 2013 to October 19, 2013; Week Eight (8)—October 20, 2013 to October 26, 2013; Week Nine (9)—October 27, 2013—November 2, 2013; Week Ten (10)—November 3, 2013 to November 9, 2013; Week Eleven (11)—November 10, 2013 to November 16, 2013; Week Twelve (12)—November 17, 2013 to November 23, 2013; and Week Thirteen (13)—November 24, 2013 to November 30, 2013.

Interested individuals may enter the sweepstakes by visiting the Jameson Irish Whiskey Facebook page at [www.apps.facebook.com/JamesonBarrel](http://www.apps.facebook.com/JamesonBarrel) or at [www.JamesonBarrel.com](http://www.JamesonBarrel.com) and following the instructions provided to complete an entry form and customize their barrel (name only) to receive one (1) entry. There is a limit of one (1) entry via registration per person per Facebook Account/e-mail

address per day per weekly entry period. Additional entries may be earned when entrants “share” their entries; specifically, for every user who uses an entrant’s unique link to connect to the application and successfully completes the entry requirements, the entrant will received five (5) additional entries per weekly entry period.

The sponsor or an independent sweepstakes organization will randomly draw one (1) grand prize winner from among all valid entries received for each applicable weekly entry period on the Monday following the end date of the applicable weekly entry period as described above. Thus, the drawings for each entry period will occur on the following dates: Week One (1)—September 9, 2013; Week Two (2)—September 16, 2013; Week Three (3)—September 23, 2013; Week Four (4)—September 30, 2013; Week Five (5)—October 7, 2013; Week Six (6)—October 14, 2013; Week Seven (7)—October 21, 2013; Week Eight (8)—October 28, 2013; Week Nine (9)—November 4, 2013; Week Ten (10)—November 11, 2013; Week Eleven (11)—November 18, 2013; Week Twelve (12)—November 25, 2013; and Week Thirteen (13)—December 2, 2013. Non-winning entries from one (1) weekly entry period’s drawing will not be rolled over into any subsequent weekly entry period’s drawing. There is a limit of one (1) prize per household throughout the entire sweepstakes period.

Thirteen (13) grand prizes will be awarded in total for the sweepstakes. Each grand prize winner will receive a Jameson® custom labeled Barrel Cooler having an approximate retail value of four hundred fifty dollars (\$450.00). The total approximate retail value of all prizes being awarded is five thousand eight hundred fifty dollars (\$5,850.00).

The sweepstakes is open only to legal residents of the United States and the District of Columbia who are twenty-one (21) years of age or older at the time of entry. No purchase is necessary to enter or win the sweepstakes.

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 § 5.32(h)].

This office has reviewed the proposed sweepstakes promotion and has determined that it comports with the applicable liquor laws and regulations, specifically subsection 493(24) of the Liquor Code [47 P.S. § 4-493(24)] and section 5.32(h) of the Board's Regulations [40 Pa. Code § 5.32(h)], as long as the Jameson® custom labeled Barrel Coolers being awarded as the grand prize do not contain or otherwise include alcoholic beverages.

Please be advised that prior approval of malt or brewed beverages point-of-sale ("POS") material and prior approval of retail licensed premises POS material are 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 Selection 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. § 4-493(20)(i)].

Therefore, as long as alcoholic beverages are not awarded as part of the grand prizes, it is permissible to run the proposed sweepstakes 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 spirit stores, subject to approval of the Bureau of Product Selection (POS only).
- other, Internet, text messaging.

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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, Marketing Communications, Branding and Design

LCB Advisory Opinion No. 13-367