

August 13, 2013

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Jennifer Chomicki
Marketing Compliance Manager
Pernod Ricard USA
100 Manhattanville Road, 4th Floor
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RE: The Chivas Regal Made for Gentlemen Sweepstakes

Dear Ms. Chomicki:

ISSUE: This correspondence is in response to your e-mail, which was forwarded to this office on August 5, 2013, in which you request approval to conduct a sweepstakes promotion in Pennsylvania.

According to the official rules you provided, the “Chivas Regal ‘Made for Gentlemen’ Sweepstakes” promotion is scheduled to run from October 15, 2013, until December 31, 2013. Consumers may participate by scanning a promotional QR code using a web-enabled smartphone or by completing an online entry form at www.chivasbrotherhood.com. On or about January 7, 2014, one (1) grand prize winner will be randomly selected to receive a trip for four (4) to New York City, including round-trip airfare, hotel accommodations for two (2) nights, ground transportation, a suit fitting at Barneys New York, an E. Tautz & Sons suit for the winner and each guest, and one thousand two hundred dollars (\$1,200.00) in spending money. The approximate retail value (“ARV”) of the grand prize package is sixteen thousand dollars (\$16,000.00). In addition, two hundred fifty (250) first prize winners will each receive a Chivas pocket square with an ARV of five dollars (\$5.00). 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 § 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. § 4-493(24)] and section 5.32(h) of the Board's Regulations [40 Pa. Code § 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. § 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. 13-370