

August 14, 2013

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Charity Garner  
Polling Specialist  
Arrowhead Promotion & Fulfillment Co.

**RE: Bacardi OakHeart Challenge Sweepstakes**

Dear Ms. Garner:

ISSUE: This correspondence is in response to your e-mail and attached letter of August 9, 2013, wherein you request approval, on behalf of Bacardi U.S.A., Inc., to run the Bacardi OakHeart Challenge Sweepstakes in Pennsylvania.

According to the “Official Rules” that you provided, the sweepstakes is scheduled to begin on August 1, 2013, and runs until September 30, 2013. Interested individuals may enter the sweepstakes by visiting [www.Bacardi.com/OakHeartChallenge](http://www.Bacardi.com/OakHeartChallenge) and completing the online entry form. Interested individuals will be asked to participate in a weekly challenge and submit their response/answer using Twitter and the hash tag “#OakHeartChallenge.” Upon submitting a response/answer, the interested individuals will be entered into the weekly prize drawing for the entry period that corresponds to the receipt of their response as well as the grand prize drawing. There will be eight (8) weekly entry periods, which are as follows: Week 1—August 1, 2013 to August 7, 2013; Week 2—August 8, 2013 to August 14, 2013; Week 3—August 15, 2013 to August 21, 2013; Week 4—August 22, 2013 to August 28, 2013; Week 5—August 29, 2013 to September 4, 2013; Week 6—September 5, 2013 to September 11, 2013; Week 7—September 12, 2013 to September 18, 2013; and Week 8—September 19, 2013 to September 30, 2013. There is a limit of one (1) entry per person per day.

A total of eighty (80) weekly prizes will be awarded for the sweepstakes, with ten (10) weekly prize winners being randomly selected from among all eligible entries received during each weekly entry period. Each weekly prize winner will receive one (1) of the three (3) following prizes, depending upon the level of entries and/or social sharing achieved for that particular week: Level 1—two (2) steins and one (1) t-shirt, having an approximate retail value of eighteen dollars (\$18.00); Level 2—one (1) Bacardi OakHeart Bar Barrel, having an approximate retail value of two hundred fifty dollars (\$250.00); or Level 3—one (1) Bacardi OakHeart LED sign, having an approximate retail value of two hundred five dollars (\$205.00).

One (1) grand prize will also be awarded for the sweepstakes. The grand prize winner will be selected in a random drawing, to be conducted on or about October 14, 2013, from among all eligible entries received. All weekly prize winners are also eligible to

win the grand prize. The grand prize winner will receive a trip for two (2) to the 2013 Great Urban Race Championship, which includes the following: round-trip coach air travel for two (2) from the major airport nearest the grand prize winner's residence to San Juan, Puerto Rico, site of the Great Urban Race Championship on December 7, 2013; one (1) double-occupancy hotel room for three (3) nights; and a one thousand dollar (\$1,000.00) cash stipend. The approximate retail value of the grand prize is two thousand five hundred dollars (\$2,500.00). The grand prize winner's guest must be twenty-one (21) years of age or older.

The sweepstakes is open only to legal U.S. residents who are at least twenty-one (21) years of age 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 as described in the "Official Rules" and determined that it comports with applicable liquor laws and regulations, specifically section 493(24)(i) of the Liquor Code [47 P.S. § 4-493(24)(i)] and section 5.32(h) of the Board's Regulations [40 Pa. Code § 5.32(h)], as long as alcoholic beverages are not awarded as any part of the grand prize.

Please be advised that to the extent that any part of the grand prize trip being awarded will involve sampling, taste testing, or the provision of alcoholic beverages at no additional cost to the grand prize winner and/or his or her guest, this would be construed as awarding alcoholic beverages as part of the prize and is not permitted.

Further, 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 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 any part of the grand prize, 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 Board's wine and 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.

Very truly yours,

FAITH S. DIEHL  
CHIEF COUNSEL

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement  
James Short, Director of Marketing  
Tim Fringer, Bureau of Product Selection  
Michelle Bonsick, Bureau of Marketing Communications, Branding & Design

LCB Advisory Opinion No. 13-373