

August 14, 2013

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Natalie A. Harris
Mandell Menkes, LLC
One North Franklin Street
Suite 3600
Chicago, IL 60606

RE: Evan Williams® Ultimate Tailgate Challenge Contest

Dear Ms. Harris:

ISSUE: This correspondence is in response to your e-mail and attached letter dated August 9, 2013, in which you request approval, on behalf of Heaven Hill Distilleries, Inc., to run the Evan Williams® Ultimate Tailgate Challenge Contest promotion in Pennsylvania.

According to the “Official Rules” that you provided, the contest is scheduled to begin on or about September 3, 2013, and runs until October 14, 2013. Interested individuals may enter by visiting www.EvanWilliams.com.UltimateTailgate, completing the entry form, and submitting a message (maximum one hundred forty (140) characters) stating why the contest prize would make their tailgate party the best in the lot. Alternatively, interested individuals may enter by visiting www.facebook.com/EvanWilliamsBourbon, “liking” the page, clicking on the “contest” tab, completing the entry form, and submitting a message (maximum one hundred forty (140) characters) stating why the contest prize would make their tailgate party the best in the lot. There is a limit of one (1) entry per person per day, regardless of the method of entry.

A total of thirty (30) winners will be selected for the contest, with five (5) winners being selected in each of the following six (6) judging periods: September 3, 2013 to September 13, 2013; September 3, 2013 to September 20, 2013; September 3, 2013 to September 27, 2013; September 3, 2013 to October 4, 2013; September 3, 2013 to October 11, 2013; and September 3, 2013 to October 18, 2013. All entries will be judged based on the following criteria: relevance of statement—fifty percent (50%); enthusiasm of statement—thirty percent (30%); and clarity of statement—twenty percent (20%). Non-winning entries in each judging period will remain eligible to win in subsequent judging periods. Each winner will receive Evan Williams® tailgating gear, consisting of an Igloo® cooler that includes

Evan Williams® logoed merchandise. The approximate retail value of each prize is two hundred dollars (\$200.00).

The contest is open only to legal U.S. residents who are twenty-one (21) years of age or older at the time of entry. No purchase is necessary to enter or win the contest.

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, as long as alcoholic beverages are not being awarded as part of the prize.

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 part of the 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 spirit 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
Timothy Fringer, Bureau of Product Selection
Michelle Bonsick, Marketing Communications, Branding and Design

LCB Advisory Opinion No. 13- 374