

Natalie Harris
August 6, 2013
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Sue Frantz
Marketing Manager
Majestic Wine & Spirits
487 Devon Park Drive
Suite 216
Wayne, PA 19087

RE: "Pennsylvania Evan Williams Bourbon Experience Sweepstakes"

Dear Ms. Frantz:

ISSUE: This correspondence is in response to your e-mail dated August 19, 2013, which was forwarded to this office on the same date, wherein you request approval, on behalf of Heaven Hill Distilleries, Inc., to run the "Pennsylvania Evan Williams Bourbon Sweepstakes" promotion.

According to the "Official Rules" that you provided, the sweepstakes was scheduled to begin on or about August 26, 2013, and runs until September 29, 2013. The sweepstakes is open only to legal U.S. residents of the Commonwealth of Pennsylvania 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.

Interested individuals may enter the sweepstakes online by visiting www.EvanWilliams.com/PA/WinTheExperience and completing the entry form during the promotion period. Alternatively, interested individuals may enter by mailing a postcard with their name, address, age, e-mail address, phone number, and the words "Pennsylvania Evan Williams Bourbon Experience" to the address set forth in the "Official Rules." There is a limit of one (1) entry per day, regardless of the method of entry.

One (1) grand prize will be awarded for the sweepstakes. The grand prize winner will be selected in a random drawing, to be conducted on or about October 8, 2013, from among all eligible entries received. The grand prize winner will receive a two (2)-night trip for two (2) to Louisville, Kentucky to visit the Evan Williams Bourbon Experience. The trip will include the following: round-trip coach airfare from the major airport nearest the winner's city of residence to Louisville, Kentucky; two (2) nights' accommodations at a hotel selected by the sponsor (standard double-occupancy room); round-trip transfers between the airport in Louisville and the hotel; a private tour of the Evan Williams Bourbon Experience; dinner at the Evan Williams Bourbon Experience, based on availability; an Evan Williams Bourbon prize pack containing logoed items; and dinner

for two (2) at a sponsor-selected restaurant in Louisville, Kentucky (not to exceed one hundred fifty dollars (\$150.00)). The approximate retail value of the trip is two thousand dollars (\$2,000.00). The guest of the grand prize winner must be twenty-one (21) years of age or older. No alcoholic beverages will be awarded as a prize.

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 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 any part of the grand prize.

While the "Official Rules" that you provided indicate that no alcoholic beverages will be awarded as a prize, it is important to point out, in case you are unaware, that to the extent that any part of the trip being awarded as the grand prize, including the private tour of the Evan Williams Bourbon Experience and/or the dinners, will involve sampling, taste testing, or the provision of alcoholic beverages at no additional cost to the winner and/or his or her guest, this would be construed as awarding alcoholic beverages as part of the prize and is not permitted.

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- 399