

September 4, 2013

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

**RE: Evan Williams Honey My Hive Contest**

Dear Ms. Harris:

ISSUE: This correspondence is in response to your letter of August 26, 2013, attached to an e-mail from Ellen Sass, in which you request approval to run a contest promotion in Pennsylvania sponsored by Heaven Hill Distilleries, Inc.

According to the official rules you provided, the “Evan Williams Honey My Hive Contest” promotion is scheduled to run from September 16 through October 14, 2013. Consumers may participate by uploading an original photo of their “favorite place to chill” via a mobile device using an Instagram® account and adding the hashtag #MyHive. A total of four hundred (400) weekly prize winners will be selected by a panel of judges and will each receive one (1) Evan Williams Honey Reserve branded ice mold with an approximate retail value of five dollars (\$5.00). The promotion is limited to legal U.S. residents who are twenty-one (21) years of age or older, and no purchase is necessary to enter.

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 spirit stores, subject to approval of the Bureau of Product Selection.
- other – Internet, text messaging.

Finally, 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)].

**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.**

Natalie Harris  
September 4, 2013  
Page 3

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. 13-409