

September 23, 2013

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Richard E. Skawinski  
Beverage Law LLC  
120 Ravencrest Drive  
Stratford, CT 06614

**RE: Gear Up for the Great Outdoors with Genesee Sweepstakes**

Dear Mr. Skawinski:

ISSUE: This correspondence is in response to your e-mail of September 16, 2013, wherein you request approval on behalf of High Falls Operating Co., LLC d/b/a Genesee Brewing Co. to run a sweepstakes promotion in Pennsylvania.

According to the official rules you provided, the “Genesee ‘Gear Up for the Great Outdoors with Genesee’ Sweepstakes” promotion is scheduled to run from October 1 through November 2, 2013. Consumers may enter the sweepstakes online at [www.facebook.com/geneseebrewery](http://www.facebook.com/geneseebrewery). The promotion is divided into five (5) entry periods, and ten (10) winners will be randomly selected from each period. Each winner will receive a Genesee-branded camouflage backpack with an approximate retail value of eighteen dollars and forty cents (\$18.40). No alcohol will be awarded as a prize. The promotion is limited to legal U.S. residents 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 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 and section 5.32(h) of the Board's Regulations [47 P.S. § 4-493(24)(i); 40 Pa. Code § 5.32(h)].

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.

While you do not indicate any intention to utilize point-of-sale ("POS") material to support the sweepstakes, please be advised that prior approval of malt or brewed beverages 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.

Rick Skawinski  
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Very truly yours,

FAITH S. DIEHL  
CHIEF COUNSEL

cc: Pennsylvania State Police,  
Bureau of Liquor Control Enforcement

LCB Advisory Opinion No. 13-427