

October 18, 2013

Telephone: (717) 783-9454

FAX: (717) 787-8820

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

**RE: Evan Williams® Bourbon Seriously Good Music Download Offer**

Dear Ms. Harris:

ISSUE: This is in response to your correspondence of October 8, 2013, wherein you request approval to run the “Evan Williams® Bourbon Seriously Good Music Download Offer” promotion in Pennsylvania sponsored by Heaven Hill Distilleries, Inc. The promotion is scheduled to run from February 3 through April 30, 2014. Interested individuals may participate by visiting the promotional website and following the instructions to request a free music download, a song which has yet to be determined, with an approximate retail value of ninety-nine cents (\$0.99). There is a limit of one (1) download per e-mail address. No purchase is required to participate, and the offer is open only to legal U.S. residents who are twenty-one (21) years of age or older.

OPINION: 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)].

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.

X other – Internet, text messaging.

Please be advised that prior approval of malt or brewed beverages point-of-sale (“POS”) material and prior approval of retail licensed premises POS material are 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.

Very truly yours,

FAITH S. DIEHL  
CHIEF COUNSEL

cc: Pennsylvania State Police,  
Bureau of Liquor Control Enforcement  
James Short, Director of Marketing and Merchandising  
Michelle Bonsick, Director, Bureau of Marketing Communications,  
Branding & Design  
Pamela Bernd, Product Selection

LCB Advisory Opinion No. 13-456