

October 22, 2013

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Charity Garner
Polling Specialist
Arrowhead Promotion & Fulfillment Co.

RE: Martini Italian Scooter Sweepstakes

Dear Ms. Garner:

ISSUE: This correspondence is in response to your e-mail and attached letter of October 17, 2013, wherein you request approval, on behalf of Bacardi U.S.A., Inc., to run the Martini Italian Scooter Sweepstakes promotion in Pennsylvania.

According to the "Official Rules" that you provided, the sweepstakes will be divided into the following ten (10) entry periods: November 1, 2013 to November 8, 2013; November 8, 2013 to November 15, 2013; November 15, 2013 to November 22, 2013; November 22, 2013 to November 29, 2013; November 29, 2013 to December 6, 2013; December 6, 2013 to December 13, 2013; December 13, 2013 to December 20, 2013; December 20, 2013 to December 27, 2013; December 27, 2013 to January 3, 2014; and January 3, 2014 to January 10, 2014. Interested individuals may enter the sweepstakes by visiting www.MartiniAstiGiveway.com/scooter and completing an entry form during the above-listed entry periods. There is a limit of one (1) entry per person per day. Entries that are received in one (1) entry period will not carry forward to subsequent entry periods. After each entry period, the sponsor will select one (1) winner in a random drawing from among all eligible entries received during that entry period.

A total of ten (10) prizes will be awarded for the sweepstakes. Each prize winner will receive a fifty (50) cc Italian scooter having an approximate retail value of four thousand, five hundred forty-eight dollars (\$4,548.00). The winners will also receive a check for either five hundred dollars (\$500.00) or one thousand dollars (\$1,000.00), depending on their state of residence, to help cover tax, title, and

license fees, as well as other costs. The sponsor will also arrange to have each scooter shipped to a location that is convenient to the winner.

The sweepstakes is open only to legal residents of the fifty (50) United States or the District of Columbia who are at least twenty-one (21) years of age. No purchase is necessary to enter or win the sweepstakes.

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 [47 P.S. § 4-493(24)(i)] and section 5.32(h) of the Board's Regulations [40 Pa. Code § 5.32(h)].

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, 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 (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 and Merchandising
Michelle Bonsick, Director, Bureau of Marketing Communications,
Branding & Design
Pamela Bernd, Product Selection

LCB Advisory Opinion No. 13-465