

October 29, 2013

Telephone: (717) 783-9454

FAX: (717) 787-8820

Adam Radbell  
Senior Manager, Marketing Compliance  
Pernod Ricard USA  
250 Park Avenue, 17<sup>th</sup> Floor  
New York, NY 10177

**RE: FRIS Chief Party Officer Sweepstakes**

Dear Mr. Radbell:

ISSUE: This correspondence is in response to your letter, which was forwarded to our office on October 18, 2013, in which you request approval to run a sweepstakes promotion in Pennsylvania.

According to the official rules you provided, the “FRIS Chief Party Officer Sweepstakes” promotion is scheduled to run from October 15 through November 12, 2013. Consumers may enter the sweepstakes via the FRIS Facebook webpage. On or about November 12, 2013, one (1) entrant will be randomly selected to receive a trip for the winner and a guest to Las Vegas, Nevada, including round-trip airfare, hotel accommodations for two (2) nights, a “FRIS Welcome Kit” consisting of playing cards, flasks, shot glasses, shakers, tile coasters, a tote bag, sunglasses, a cocktail recipe book, branded shirts, and a digital camera. The promotion is open only to legal residents of the United States 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 sweepstakes 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)], assuming alcoholic beverages are not part of the prize.

Therefore, it would be permissible to conduct this promotion in the Commonwealth, as indicated above, 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.

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. 13-471