

November 1, 2013

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**RE: The Glenlivet “The Spirit of the Glen” Sweepstakes and Chivas
Regal Band of Brotherhood Sweepstakes**

Dear Ms. Chomicki:

ISSUE: This correspondence is in response to your letters dated October 24, 2013, which were forwarded to this office on October 28, 2013, wherein you seek approval to conduct the following two (2) sweepstakes promotions in Pennsylvania: The Glenlivet “The Spirit of the Glen” Sweepstakes; and the Chivas Regal Band of Brotherhood Sweepstakes.

The Glenlivet “The Spirit of the Glen” Sweepstakes is scheduled to begin on November 8, 2013, and runs until December 20, 2013. Interested individuals may enter this sweepstakes by visiting The Glenlivet Facebook page at www.facebook.com/theglenlivet during the promotion period and commenting in response to the weekly post. The sweepstakes will be divided into the following six (6) entry periods: Entry Period #1—November 8, 2013 to November 15, 2013; Entry Period #2—November 15, 2013 to November 22, 2013; Entry Period #3—November 22, 2013 to November 29, 2013; Entry Period #4—November 29, 2013 to December 6, 2013; Entry Period #5—December 6, 2013 to December 13, 2013; and Entry Period #6—December 13, 2013 to December 20, 2013. There is a limit of one (1) entry per person during the entire promotion period.

Six (6) grand prizes will be awarded for this sweepstakes. The grand prize winners will be randomly selected, from among all eligible entries received during each of the six (6) different entry periods, in drawings to be conducted on or about the following dates: Entry Period #1—November 18, 2013; Entry Period #2—

November 25, 2013; Entry Period #3—December 2, 2013; Entry Period #4—December 9, 2013; Entry Period #5—December 16, 2013; and Entry Period #6—December 23, 2013. Each grand prize winner will receive one (1) bottle of “The Spirit of the Glen” fragrance by DS & Durga. The approximate retail value of each grand prize is one hundred eighty dollars (\$180.00).

This sweepstakes is open only to legal residents of the fifty (50) United States and the District of Columbia who are twenty-one (21) years of age or older at the time of entry.

The Chivas Regal Band of Brotherhood Sweepstakes is scheduled to begin on December 1, 2013, and runs until March 31, 2014. Interested individuals may enter this sweepstakes by visiting www.chivasbrotherhood.com and completing and submitting an entry form. Interested individuals must become a member of the Chivas Brotherhood, if they have not already done so, in order to enter. There is a limit of one (1) entry per person/e-mail address per day.

Two (2) grand prizes and three (3) first prizes will be awarded for this sweepstakes. The winners will be randomly selected, from among all eligible entries received, in a drawing to be conducted on or about April 7, 2014.

Each grand prize winner will receive a three (3)-day/two (2)-night trip for four (4) people to attend an exclusive, in studio performance by the band “Mana” in either Los Angeles, California, or Miami, Florida. Each trip includes the following: round-trip coach air transportation from the major international airport nearest the winner’s residence to one (1) of the above destinations; two (2) nights’ standard hotel accommodations (two (2) double-occupancy rooms); an exclusive, in-studio, performance by “Mana” for the winner and his or her travel companions; dinner with “Mana”; car service to/from the destination airport and studio/dinner; two (2) breakfast vouchers per winner; one thousand fifty dollars (\$1,050.00) cash for incidentals; and a “Welcome/Farwell Package” containing miscellaneous gifts for the winner and his or her travel companions. The approximate retail value of each grand prize is eight thousand eight hundred sixty-five dollars (\$8,865.00). The grand prize winners’ travel companions must be twenty-one (21) years of age or older at the time travel is booked.

Each first prize winner will receive a guitar autographed by members of “Mana.” The approximate retail value of each first prize is five hundred dollars (\$500.00).

This sweepstakes is open only to legal residents of the fifty (50) United States and the District of Columbia who are twenty-one (21) years of age or older and who are members of the Chivas Brotherhood at the time of entry.

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 promotions as described above and determined that they comport 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)], as long as alcoholic beverages are not awarded as any part of the prizes.

Please be advised that to the extent that any part of the trip being awarded as the grand prizes for the Chivas Regal Band of Brotherhood Sweepstakes will involve sampling, taste testing, or the provision of alcoholic beverages at no additional cost to the winners and/or their guests, this would be construed as awarding alcoholic beverages as part of the prize and is not permitted.

Further, 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, as long as alcoholic beverages are not awarded as any part of the prizes, it is permissible to conduct the proposed sweepstakes promotions 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 spirits 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,
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Pamela Bernd, Product Selection

LCB Advisory Opinion No. 13-480