

Deborah A. Rossi
Assistant Secretary
Mark Anthony Brands Inc.
328 South Jefferson Street, Suite 1070
Chicago, IL 60661
VIA E-MAIL: kgabriele@markanthony.com

RE: Margarita Mustache Month Giveaway

Dear Ms. Rossi:

ISSUE: This correspondence is in response to your letter dated October 28, 2013, in which you seek approval to conduct a sweepstakes promotion in Pennsylvania sponsored by American Vintage Beverage Inc.

According to the official rules you provided, the "Margarita Mustache Month Giveaway" is scheduled to run from November 1 through December 1, 2013. Consumers may participate by mail or by following the instructions online at the Cayman Jack promotional Facebook page. A total of four (4) entrants will be randomly selected in weekly drawings and will each receive a gift certificate for two hundred fifty dollars (\$250.00) toward the grooming or spa service of their choice. No purchase is necessary to participate, and the sweepstakes is open only to legal U.S. residents who are twenty-one (21) years of age or older.

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 Section 5.32(h)].

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. Section 4-493(24)] and section 5.32(h) of the Board's Regulations [40 Pa. Code Section 5.32(h)], and is acceptable for use in this Commonwealth.

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 spirits stores, subject to approval of the Bureau of Product Management.
- other – Internet, text messaging.

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 Management 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. Section 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. 13-481