

November 14, 2013

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Brian D. Fergemann
Partner
Winston & Strawn LLP
35 W. Wacker Drive

RE: Dead Bolt Sweepstakes

Dear Mr. Fergemann:

ISSUE: This correspondence is in response to your e-mails sent November 4 and November 11, 2013, wherein you request approval on behalf of Pernod Ricard to conduct a sweepstakes in Pennsylvania to promote Dead Bolt wine.

Although you did not submit or otherwise make available a copy of the official rules for the sweepstakes for our review, you did supply a copy of a point-of-sale (“POS”) bottle necker, which you would like to use in the Pennsylvania Liquor Control Board’s (“Board”) Wine & Spirits stores, that provides important details about the sweepstakes. According to the bottle necker, the sweepstakes was scheduled to begin on November 10, 2013, and runs until January 7, 2014. Interested individuals may enter the sweepstakes by visiting <http://deadboltwine.com/PAsweeps>. The winner(s) will receive a Dead Bolt Dean Guitar. The sweepstakes is open only to legal residents of Pennsylvania who are twenty-one (21) years of age or older. No purchase is necessary to enter or win the sweepstakes.

OPINION: Section 5.32(h) of the Board’s 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 promotion as described in the POS material that you provided 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 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 is 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 Selection (POS only).
- other – internet, text messaging.

Finally, if you would like this office to review any future sweepstakes, we kindly ask that you supply us with a copy of the official rules for those sweepstakes, as this will greatly assist us in conducting our review.

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

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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, Bureau of Product Selection

LCB Advisory Opinion No. 13-485