

November 26, 2013

Telephone: (717) 783-9454

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Natalie A. Harris
Mandell Menkes, LLC
One North Franklin Street, Suite 3600
Chicago, Illinois 60606

RE: Evan Williams® Bass Challenge

Dear Ms. Harris:

ISSUE: This correspondence is in response to your e-mail and attached letter dated November 11, 2013, wherein you request approval, on behalf of Heaven Hill Distilleries, Inc., to offer the Evan Williams® Bass Challenge (“Contest”) promotion in Pennsylvania.

According to the “Official Rules” that you supplied, the Contest is scheduled to begin on January 27, 2014, and runs until March 9, 2014. The Contest is open only to legal residents of the United States who are twenty-one (21) years of age or older at the time of entry.

Interested individuals may enter the contest online by visiting www.EvanWilliams.com/BassChallenge, completing the entry form, providing a message (maximum one hundred forty (140) characters) stating why Evan Williams Bass gear would give them the best day on the lake, and agreeing to opt-in to receive promotional e-mails. Alternatively, interested individuals may enter by visiting www.facebook.com/EvanWilliamsBourbon, “liking” the page, clicking on the “Contest” tab, and completing the entry form and message. There is a limit of one (1) entry per day, regardless of the method of entry.

Thirty (30) grand prizes will be awarded for the Contest, with five (5) grand prizes being awarded for each of six (6) different judging periods. Judging to select potential winners will be based on the following criteria: relevance of statement—fifty percent (50%); enthusiasm of statement—thirty percent (30%); and clarity of statement—twenty percent (20%). Each grand prize winner will receive an Igloo®

cooler containing Evan Williams® logoed merchandise, plus Shimano, Costa Del Mar, Vicious Fishing, and Missile Baits merchandise. The approximate retail value of each prize is four hundred fifty dollars (\$450.00).

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 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.

X the Board's wine and spirit stores, subject to approval of the Bureau of Product Selection (POS only).

X 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. 13-507