

December 12, 2013

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Donna Young
Regulatory Affairs Assistant
Vermont Hard Cider Company, LLC
153 Pond Lane
Middlebury, VT 05753

RE: 2014 Magners Irish Cider Win a Trip to Ireland Sweepstakes

Dear Ms. Young:

ISSUE: This correspondence is in response to your e-mail of November 26, 2013, wherein you request approval to run a sweepstakes promotion in Pennsylvania.

According to the official rules you provided, the “Magners® Irish Cider ‘St. Patrick’s Day – Win a Trip to Ireland’ Sweepstakes” promotion is scheduled to run from February 1 through March 18, 2014. Consumers may participate by completing an online entry form at <http://usa.magners.com> or www.facebook.com/magnersusa. On or about March 19, 2014, one (1) entrant will randomly be selected to receive the grand prize trip for two (2) to Dublin, Ireland, including round-trip airfare, hotel accommodations for four (4) nights, and one thousand dollars (\$1,000.00) in cash. The promotion is limited 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 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 and section 5.32(h) of the Board's Regulations [47 P.S. § 4-493(24)(i); 40 Pa. Code § 5.32(h)].

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 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.

Donna Young
December 12, 2013
Page 3

Very truly yours,

FAITH S. DIEHL
CHIEF COUNSEL

cc: Pennsylvania State Police,
Bureau of Liquor Control Enforcement

LCB Advisory Opinion No. 13-515