

February 19, 2014

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Nichole D. Shustack  
The Boston Beer Company  
One Design Center Place, Suite 850  
Boston, MA 02210

**RE: The Boston Beer Company Sweepstakes Promotions**

Dear Ms. Shustack:

ISSUE: This correspondence is in response to your letters of January 31, 2014, in which you request approval to run a pair of sweepstakes promotions in Pennsylvania.

According to the official rules you provided, the first promotion, the “Twisted Tea® Race to Dover Sweepstakes” promotion, is scheduled to run from March 1 through May 31, 2014. Consumers may participate via text message or by submitting an online entry form at the promotional website. One (1) grand prize winner will be randomly selected to receive a trip for four (4) to Dover, Delaware, including round-trip airfare, hotel accommodations for three (3) nights, and track-side credentials to the Sprint Cup Race, with an approximate retail value (“ARV”) of ten thousand dollars (\$10,000.00). In addition, sixty (60) first prize winners will each receive a Tire Cooler with an ARV of one hundred seventy-five dollars (\$175.00). Alcoholic beverages will not be included in the prizes. The promotion is limited to legal residents of the United States twenty-one (21) years of age or older, and no purchase is necessary to enter.

The second promotion, the “Angry Orchard® Out and About Treesort Sweepstakes” promotion is scheduled to run from March 1 through May 31, 2014. Consumers may participate via text message or by sending an e-mail to [officialrules@angryorchard.com](mailto:officialrules@angryorchard.com). One grand prize winner will randomly be selected to receive the grand prize of a trip for two (2) to an Oregon outdoor resort including round-trip airfare and hotel accommodations for five (5) nights, with an

ARV of ten thousand dollars (\$10,000.00). In addition, sixty (60) first prize winners will each receive a Zero Gravity Chair with an ARV of one hundred dollars (\$100.00). Alcoholic beverages will not be included in the prizes. The promotion is limited to legal residents of the United States 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 promotions as described in the official rules and determined that they comport 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 these promotions 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.

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 Marketing Communications, Branding & Design 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.

Very truly yours,

FAITH S. DIEHL  
CHIEF COUNSEL

cc: Pennsylvania State Police,  
Bureau of Liquor Control Enforcement

LCB Advisory Opinion No. 14-034