

February 19, 2014

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Maddie Rowlett  
Strike & Techel  
556 Commercial Street  
San Francisco, CA 94111

**RE: The Singha Ibiza and Thailand Party Sweepstakes**

Dear Ms. Rowlett:

ISSUE: This correspondence is in response to your e-mail and letter dated February 6, 2014, in which you request approval on behalf of Singha North America, Inc., to conduct a pair of sweepstakes promotions in Pennsylvania.

According to your letter, the first promotion, the “Ibiza Party Sweepstakes” promotion, is scheduled to run from April 1 through June 30, 2014. Consumers may participate via the promotional website. On or about July 15, 2014, two (2) entrants will randomly be selected to each receive a trip for two (2) to Ibiza, Spain, including round-trip airfare, ground transportation, hotel accommodations for two (2) nights, and tickets to a party. Alcoholic beverages will not be included in the prize. No purchase is necessary to enter, and entrants must be twenty-one (21) years of age or older.

The second promotion, the “Thailand Party Sweepstakes” promotion, is scheduled to run from August 1 through October 31, 2014. Consumers may participate online. On or about November 15, 2014, two (2) entrants will randomly be selected to each receive a trip to Bangkok, Thailand, including round-trip airfare, ground transportation, hotel accommodations for three (3) nights, and tickets to a party. Alcoholic beverages will not be included in the prize. No purchase is necessary to enter, and entrants must be 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 § 5.32(h)].

This office has reviewed the proposed promotions and has determined that they comport with applicable liquor laws and regulations, specifically subsection 493(24) of the Liquor Code [47 P.S. § 4-493(24)] and section 5.32(h) of the Board's Regulations [40 Pa. Code § 5.32(h)], and are acceptable for use in this Commonwealth.

Therefore, it would be permissible to conduct the 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 spirits 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 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

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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. 14-035