

March 26, 2014

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**RE: Ketel One & Tanqueray Discover the Martini Sweepstakes**

Dear Mr. Schleifstein:

ISSUE: This correspondence is in response to your e-mail and attached letter of March 13, 2014, in which you seek approval on behalf of Diageo Americas, Inc., to conduct a sweepstakes promotion in Pennsylvania.

According to the official rules you provided, the “Ketel One & Tanqueray Discover the Martini Sweepstakes” promotion is scheduled to run from March 31 through April 27, 2014. Consumers may participate via text message or by submitting an online entry form at the promotional website. On or about April 28, 2014, two (2) entrants will randomly be selected to receive the grand prize of a trip for two (2) to Schiedam, Netherlands, including round-trip airfare, ground transportation, and hotel accommodations for two (2) nights. No purchase is necessary to enter, and the sweepstakes is open only to legal Pennsylvania residents who are twenty-one (21) years of age or older at the time of entry.

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 and has determined that it comports 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)], assuming alcoholic beverages are not included in the prize.

Therefore, it would be permissible to conduct this promotion in the Commonwealth, as indicated above, 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 Management.
- 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  
Dale Horst, Interim Director of Marketing and Merchandising  
Michelle Bonsick, Director, Bureau of Marketing Communications,  
Branding & Design  
Pamela Bernd, Product Selection

LCB Advisory Opinion No. 14-105