

April 3, 2014

Telephone: (717) 783-9454

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Crystal Hartz
Wilsbach Distributors, Inc.
905 Katie Court
Harrisburg, PA 17109
Re: Bud Light Fan Zone Sweepstakes

Dear Ms. Hartz:

ISSUE: This is in response to your e-mail dated March 24, 2014, wherein you ask, on behalf of Wilsbach Distributors, Inc., whether you may give each of four (4) "BUD LIGHT FAN ZONE" sweepstakes winners a serving of Bud Light beer as part of the prize package. You further ask whether such Bud Light beer prize would be limited to the smallest size sold at the Lancaster Barnstormers ballpark.

According to the rules you provided, the "BUD LIGHT FAN ZONE" promotion is scheduled to start May 1, 2014. Lancaster Barnstormers ballpark patrons would participate by signing up at a kiosk at the ballpark and winners would be drawn during the first inning of Lancaster Barnstormers baseball games. At each game, four (4) winners would be upgraded to prime seats behind home plate wrapped in Bud Light graphics, and would also be given Bud Light t-shirts. The sweepstakes would be open only to patrons twenty-one (21) years of age or older at entry time.

Records of the Pennsylvania Liquor Control Board ("Board") indicate that Wilsbach Distributors, Inc. holds Malt Beverage Importing Distributor License No. ID-178 (LID 8492) for use by it at 905 Katie Court, in Harrisburg, Pennsylvania.

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 providing Bud Light beer or other alcohol, regardless of the size, would not be permissible, as alcoholic beverages may not be part of a prize in sweepstakes promotions sponsored by a manufacturer, manufacturer's representative or licensee per the Board's Regulations. [40 Pa. Code § 5.32(h); see also 47 P.S. § 4-493(24)].

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 Management 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)].

Please feel free to again contact this office if you have any further questions regarding this matter, the Liquor Code, or the Board's Regulations.

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. 14-124