

April 8, 2014

Telephone: (717) 783-9454

FAX: (717) 787-8820

Jocelyn Aaron
Capital Wine & Spirits

**RE: Jack Daniel's Jack Sala Siete Lollapalooza Trip to Chicago
Sweepstakes**

Dear Ms. Aaron:

ISSUE: This correspondence is in response to your e-mail sent March 24, 2014, which was forwarded to this office on April 3, 2014, wherein you request approval on behalf of Brown-Forman to conduct the Jack Daniel's Jack Sala Siete Lollapalooza Trip to Chicago Sweepstakes in Pennsylvania.

According to the "Official Rules" that you provided, the sweepstakes was scheduled to begin on April 1, 2014, and runs until April 30, 2014. The sweepstakes is open only to legal residents of the United States who are twenty-one (21) years of age or older. No purchase is necessary to enter or win the sweepstakes.

Interested individuals may enter the sweepstakes by visiting JackDaniels.com/JackSala7 and following the directions to complete and submit an entry form. Alternatively, interested individuals may enter by texting "SALASIETE" to "68405" during the promotion period. There is a limit of one (1) entry per person for the duration of the promotion, regardless of the method of entry.

One (1) grand prize will be awarded for the sweepstakes. The grand prize winner will be selected in a random drawing, to be conducted on or about May 5, 2014, from among all eligible entries received. The grand prize winner will receive a trip for two (2) people to a Lollapalooza 2014 Festival VIP Area on August 1st, August 2nd, and August 3rd, 2014, in Chicago, Illinois. The trip includes the following: round trip coach class airfare for two (2) people from the commercial airport closest to the winner's home to Chicago; four (4) nights standard hotel accommodation (double occupancy); admission for two (2) with VIP access to the Lollapalooza 2014 Festival, and one thousand dollars (\$1,000.00) in spending money. The approximate retail value of the prize is seven thousand dollars

(\$7,000.00). The grand prize winner's travel guest must be twenty-one (21) years of age or older. Alcoholic beverages are not part of any prize.

OPINION: Section 5.32(h) of the Pennsylvania Liquor Control Board's ("Board") Regulations states that a manufacturer, a manufacturer's representative, or a 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 sweepstakes and determined that it comports with applicable liquor laws and regulations, specifically section 493(24)(i) of the Liquor Code [47 P.S. § 4-493(24)(i)] and section 5.32(h) of the Board's Regulations [40 Pa. Code § 5.32(h)], and is acceptable for use in this Commonwealth, as long as no alcoholic beverages are awarded as part of the prize.

While the "Official Rules" indicate that no alcoholic beverages are part of any prize, please be advised that to the extent that any part of the trip being awarded as the grand prize, including the admission for two (2) with VIP access to the Lollapalooza 2014 Festival, involves taste testing, sampling, or the provision of alcohol at no additional cost to the winner and/or his or her guest, this would be considered awarding alcoholic beverages as part of the prize and is not permitted.

Further, please be advised that prior approval of malt or brewed beverages point-of-sale ("POS") material and prior approval of 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)].

Therefore, as long as the prize being awarded does not include any alcoholic beverages, it is permissible to conduct this sweepstakes 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 (POS only).
- 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. 14-128