

April 15, 2014

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Scott A. Schleifstein
Cohen Silverman Rowan LLP
360 Lexington Avenue, 16th Floor
New York, NY 10017

RE: Spotify Ultimate House Party Song Sweepstakes

Dear Mr. Schleifstein:

ISSUE: This correspondence is in response to your e-mail and attached letter dated April 4, 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 “Spotify Ultimate House Party Song Sweepstakes” promotion is scheduled to run from April 9 through June 30, 2014. Consumers may participate by completing an online entry form at the promotional website. There will be twelve (12) weekly random drawings and a total of two thousand four hundred forty-four (2,444) first prize winners and four (4) grand prize winners. The first prize winners will each receive a three (3)-month Spotify Premium membership. The grand prize winners will each receive a “house party” for up to nineteen (19) guests including a four (4)-hour reservation at a venue near the winner’s residence, live celebrity and DJ entertainment, and food and non-alcoholic beverages. No purchase is necessary to enter, and the sweepstakes is open only to legal U.S. 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)].

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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)].

Therefore, it would be permissible to conduct this 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 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. 14-139