

April 15, 2014

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April Pyatt
Manager, Intellectual Property Compliance
Pernod Ricard USA
100 Manhattanville Road, 4th Floor
Purchase, NY 10577

RE: Brancott Estate Flight Song Spring Entertaining Tote Sweepstakes

Dear Ms. Pyatt:

ISSUE: This correspondence is in response to your letter sent as an e-mail attachment on March 26, 2014, in which you request approval to conduct the “Brancott Estate Flight Song Spring Entertaining Tote Sweepstakes” promotion 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 divided into the following four (4) weekly entry periods: April 1 – April 8, 2014; April 8 – April 15, 2014; April 15 – April 22, 2014; and April 22 – April 30, 2014.

Interested individuals may enter the sweepstakes by visiting the “Flight Song” tab at www.facebook.com/brancottestate, following the instructions, and completing and submitting the online entry form. There is a limit of one (1) entry per person, per e-mail address, per week.

One (1) prize winner will be selected for each weekly entry period. The prize winner for each weekly entry period will be selected in a random drawing from among all eligible entries received for that weekly entry period. Each prize winner will receive a Flight Song custom designed tote bag, which will include a picnic blanket, acrylic stemless wine glasses, a custom candle, and a fifty dollar (\$50.00)

American Express® gift card. The approximate retail value of each prize is two hundred fifty dollars (\$250.00). Alcoholic beverages are not part of the prize.

The sweepstakes is open only to legal residents of the United States or the District of Columbia who are twenty-one (21) years of age or older at the time of entry. No purchase is necessary to enter or win the sweepstakes.

OPINION: Section 5.32(h) of the Pennsylvania Liquor Control Board's ("Board") Regulations states that a manufacturer, manufacturer's representative, 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)], and is acceptable for use in this Commonwealth.

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)].

Therefore, it is permissible to conduct the proposed 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 spirits stores, subject to approval of the Bureau of Product Management (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. 14-140