

April 30, 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 Lady Antebellum Concert Sweepstakes

Dear Ms. Pyatt:

ISSUE: This correspondence is in response to your letter sent as an e-mail attachment on April 21, 2014, and which was forwarded to this office on April 23, 2014, wherein you request approval to conduct the “Brancott Estate Lady Antebellum Concert Sweepstakes” promotion in Pennsylvania.

According to the “Official Rules” that you provided, the sweepstakes was scheduled to begin on August 11, 2014, and runs until August 31, 2014. The sweepstakes is divided into twenty-seven (27) entry periods based on state locations. The entry period for Pennsylvania is scheduled to run from 12:01 a.m. to 11:59 p.m., on August 23, 2014.

One (1) winner will be selected for the Pennsylvania entry period. The winner will be selected in a random drawing to be conducted on or about August 28, 2014. The winner will receive a Lady Antebellum autographed guitar custom designed by Brancott Estate. The approximate retail value of the prize is three hundred fifty dollars (\$350.00).

The sweepstakes is open only to legal residents of certain states, including Pennsylvania, 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 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, 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 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. 14-181