

April 30, 2014

Telephone: (717) 783-9454

FAX: (717) 787-8820

David Romine  
Alcohol Beverage Specialist  
Kalik Lewin  
4720 Montgomery Lane, Suite 400  
Bethesda, MD 20814

**RE: Humboldt Brewing Sweepstakes Promotion**

Dear Mr. Romine:

ISSUE: This correspondence is in response to your e-mail dated April 24, 2014, wherein you seek approval, on behalf of Humboldt Brewing Company, to conduct a sweepstakes promotion in Pennsylvania.

According to the "Official Rules" that you provided, the sweepstakes promotion was scheduled to begin on April 20, 2014, and runs until June 8, 2014. Interested individuals may enter the sweepstakes by visiting [www.facebook.com/HumboldtBrewingCo](http://www.facebook.com/HumboldtBrewingCo) during the sweepstakes period and following the instructions to complete and submit an online entry form. There is generally a limit of one (1) entry per person/e-mail address per day; however, individuals who discover the "secret code" on in-store tear-off pads will have the chance to submit the code for one (1) additional entry per day.

One (1) grand prize and seventy (70) weekly prizes will be awarded for the sweepstakes. The winners will be selected in random drawings from among all eligible entries received.

The grand prize winner will receive an "All Things Hemp" gift basket that includes the following: a branded Hemp t-shirt; a Humboldt Brewing Company tie-dye shirt; a Humboldt Brewing Company Sweatshirt; branded glassware; and two (2) branded long-board decks. Each weekly prize winner will receive one (1) of the items listed above.

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 sweepstakes promotion as described above 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)].

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.

X 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

LCB Advisory Opinion No. 14-182