

April 30, 2014

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Janis A. Carlow
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Vice President, Off Premise
Lantern Division
Southern Wine & Spirits
1600 Northwest 163rd Street
Miami, FL 33169

RE: SVEDKA House Party Sweepstakes

Dear Ms. Carlow:

ISSUE: This correspondence is in response to your e-mail received in this office on April 23, 2014, in which you request approval to conduct a sweepstakes promotion in Pennsylvania sponsored by Spirits Marque One.

According to the official rules you provided, the "SVEDKA House Party Sweepstakes" promotion is scheduled to run from April 28 through July 31, 2014. Consumers may participate by submitting an entry form online via the promotional website. Three (3) entrants will be randomly selected to receive a Fine Wine and Good Spirits gift card valued at two hundred dollars (\$200.00) and a grocery store gift card valued at two hundred dollars (\$200.00). No purchase is necessary to enter, and the promotion is open only to legal residents of Pennsylvania 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)].

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.

Notably, since the Fine Wine and Good Spirits gift cards may be redeemed for non-alcoholic beverage items sold by the Board and/or redeemed for cash, the proposed promotion would not violate the prohibition on awarding alcoholic beverages as part of the prize set forth above.

Therefore, it would be permissible to conduct this promotion in the Commonwealth, subject to the above limitation, 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. 14-185