

May 13, 2014

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Jennifer Chomicki
Marketing Compliance Manager
Pernod Ricard USA
100 Manhattanville Road, 4th Floor
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RE: Absolut Summer National and Local Sweepstakes

Dear Ms. Chomicki:

ISSUE: This correspondence is in response to your letter dated April 25, 2014, received in this office on April 30, 2014, in which you request approval to conduct a sweepstakes promotion in Pennsylvania.

According to the official rules you provided, the “Absolut Summer National and Local Sweepstakes” promotion is scheduled to run from May 1 through September 1, 2014. Consumers may participate online by submitting an entry form at the promotional website, and bonus entries may be obtained via Twitter, Instagram, and Facebook. On or about September 5, 2014, several entrants will be selected to receive prizes. Entrants residing in Pennsylvania will be eligible for the National Prize, a Local Prize, five (5) First Prizes, and one thousand three hundred (1,300) Instant Win Prizes. The National Prize winner will receive a Live Nation® Rock Flight® trip for two (2) to see Lady Gaga in Stockholm, Sweden, on September 30, 2014, including round-trip airfare, hotel accommodations for four (4) nights, and two hundred dollars (\$200.00) toward ground transportation. The Local Prize winner will receive a trip for two (2) to a concert in the United States, including round-trip airfare, hotel accommodations for two (2) nights, and a cash card valued at two hundred dollars (\$200.00) to use toward ground transportation. The five (5) First Prize winners will each receive a Ticketmaster Ticket Cash code valued at one hundred dollars (\$100.00). Finally, the Instant Win Prize winners will each receive a Ticketmaster Ticket Cash code valued at either twenty-five dollars (\$25.00) or fifty dollars (\$50.00). No purchase is necessary to enter, and the

promotion 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)].

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, assuming alcoholic beverages are not part of any prize.

Therefore, it would be permissible to conduct this promotion in the Commonwealth, as indicated above, 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.

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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. 14-197