

May 15, 2014

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Lantern Division  
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**RE: Jim Beam Brands Co. Sauza 901 Tequila Promotions**

Dear Ms. Carlow:

ISSUE: This correspondence is in response to your e-mails of May 8 and 12, 2014, in which you request approval to conduct a pair of promotions in Pennsylvania sponsored by Jim Beam Brands Co.

The first promotion, the “The Sauza® 901® Tequila Sweepstakes,” is scheduled to run from June 1 through July 31, 2014. Consumers may participate via text message or by submitting an entry form online via the promotional website. On or about August 1, 2014, two (2) entrants will randomly be selected to each receive a trip for two (2) to Reykjavik, Iceland, including round-trip airfare, hotel accommodations for two (2) nights, ground transportation, and admission to a Justin Timberlake concert on August 24, 2014. 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.

The second promotion offers consumers an online download of five (5) songs with the purchase of a 750ml or larger bottle of Sauza® 901® Tequila. To receive codes which may be used to download the songs, consumers must supply information from an original cash register receipt confirming the purchase was made during the offer timeframe, which is June 1 through July 31, 2014. The information may be provided via a promotional website or via text message.

OPINION: Regarding the first promotion, 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 official rules of the proposed sweepstakes 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 the prize.

However, the second promotion, offering five (5) free songs to consumers who purchase a bottle of Sauza<sup>®</sup> 901<sup>®</sup> Tequila, is not permissible. Section 493(24) prohibits any manufacturer from giving or offering anything of value to induce directly the purchase of liquor. [47 P.S. § 4-493(24)(i)]. Since the offer requires a purchase of liquor in order to receive the download codes, the second promotion is not acceptable for use in Pennsylvania.

Therefore, it would be permissible to conduct only the sweepstakes 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.

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  
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. 14-221