

May 20, 2014

Telephone: (717) 783-9454

FAX: (717) 787-8820

Sara Skinner Chubb
Winston & Strawn LLP
35 West Wacker Drive
Chicago, IL 60601-9703

RE: Hpnotiq I Need Sparkle Sweepstakes

Dear Ms. Chubb:

ISSUE: This correspondence is in response to your e-mail sent May 7, 2014, in which you request approval on behalf of your client, Marketing Resources, to conduct a sweepstakes promotion in Pennsylvania sponsored by Heaven Hill Distilleries, Inc.

According to the official rules you provided, the “Hpnotiq I Need Sparkle Sweepstakes” promotion is scheduled to run from September 25, 2014, through January 2, 2015. Consumers may participate online via Facebook. There will be fourteen (14) weekly drawings in which two (2) first prize winners will be selected, for a total of twenty-eight (28) first prize winners. Each winner will receive a branded prize pack including an ice bucket, t-shirt, glow sticks, rock candy, napkins, cosmetic bag, lip gloss, compact mirror, nail file, sunglasses, glow rings, and boas. In addition, one (1) grand prize winner will randomly be selected on or about January 9, 2015, and will receive a check for five thousand dollars (\$5,000.00). 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)].

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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.

Therefore, it would be permissible to conduct this 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 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. 14-230