

June 2, 2014

Telephone: (717) 783-9454

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Adam Sipos, Esquire
Pernod Ricard USA
100 Manhattanville Road, 4th Floor
Purchase, NY 10577

RE: Pernod Ricard Sweepstakes and Instant Rebate

Dear Mr. Sipos:

ISSUE: This correspondence is in response to your request for approval to conduct a pair of promotions in Pennsylvania. Since you did not provide copies of the official terms governing these offers, it is assumed for purposes of this opinion that the promotions will be conducted in accordance with the facts you provided in your letter.

The first promotion offers consumers an instant rebate of two dollars (\$2.00) on the purchase of a 750ml bottle of Brancott Estate, Campo Viejo, Graffigna, or Jacob's Creek wine. The offer is available from June 1 through August 31, 2014, and is limited to adults of legal drinking age.

The second promotion is a sweepstakes to be held from June 1 through August 31, 2014, supporting the aforementioned wine brands. Alcohol will not be given as a prize. Entrants must be twenty-one (21) years of age or older, and no purchase is necessary to participate.

OPINION: This office has reviewed the proposed offers. 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)].

Based on the summary you provided, both promotions comport with applicable liquor laws and regulations, specifically subsections 493(24)(i) of the Liquor Code [47 P.S. § 4-493(24)(i)] and 5.32(h) of the Board's Regulations [40 Pa. Code § 5.32(h)], and are acceptable for use in this Commonwealth, assuming retail licensed premises will only be used as a pick-up or drop-off point for sweepstakes entry forms and not for the conducting, drawing, or awarding of prizes.

Therefore, it would be permissible to conduct the promotions in the Commonwealth in reference to the area 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.
- 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. 14-242