

June 9, 2014

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Heather Rice  
Manager, Regulatory Affairs  
Beam Suntory

**RE: Jim Beam Single Barrel, Single Statement Contest**

Dear Ms. Rice:

ISSUE: This correspondence is in response to your e-mail sent May 27, 2014, in which you request legal review of a proposed contest promotion to be conducted in Pennsylvania, sponsored by Jim Beam Brands Co.

According to the official rules you provided, the “Jim Beam® ‘Single Barrel, Single Statement’ Contest” promotion is scheduled to run from July 16 through August 17, 2014. Consumers may participate by submitting an entry form online at the promotional website. On or about September 15, 2014, a panel of judges will select two (2) grand prize winners and six (6) first prize winners. The grand prize winners will each receive a signed Jim Beam® barrel head engraved with their name and winning statement as well as a VIP hometown local market visit from Fred Noe, which includes a meet and greet and exclusive tasting. The winning statements will be printed on future Jim Beam® Single Barrel Bourbon labels for mass distribution. The first prize winners will each receive a signed Jim Beam® barrel head engraved with their name and winning statement and will have their statement printed on the Jim Beam® Single Barrel Bourbon label for mass distribution. No purchase is necessary to enter, and the sweepstakes is open only to legal residents of the United States 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, as long as alcoholic beverages are not part of any of the prizes.

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