

June 11, 2014

Telephone: (717) 783-9454

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Charity Garner
Polling Specialist
Arrowhead Promotion & Fulfillment Co.

RE: Bacardi Untameable Fan Contest

Dear Ms. Garner:

ISSUE: This correspondence is in response to your e-mail of May 27, 2014, wherein you request approval to run a contest promotion in Pennsylvania sponsored by Bacardi U.S.A, Inc.

According to the official rules you provided, the “Bacardi Untameable Fan Contest” promotion is scheduled to run between May 23 and July 2, 2014. Consumers may participate by submitting an official entry at the promotional website. A panel of judges will select one (1) entrant to receive a trip for two (2) to a to-be-determined country, including round-trip airfare, hotel accommodations for two (2) nights, and two thousand dollars (\$2,000.00) in spending money. The winner will have the option to accept five thousand dollars (\$5,000.00) in cash instead of the trip. The sweepstakes is limited to legal residents of the United States, excluding Utah, who are twenty-five (25) years of age or older, and no purchase is necessary to enter.

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 promotion as described in the official rules and determined that it comports with applicable liquor laws and regulations, specifically section 493(24)(i) of the Liquor Code and section 5.32(h) of the Board’s Regulations [47 P.S. § 4-493(24)(i); 40 Pa. Code § 5.32(h)].

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 spirit 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. 14-267