

June 20, 2014

Telephone: (717) 783-9454

FAX: (717) 787-8820

Deborah A. Rossi, Assistant Secretary
Mark Anthony Brands Inc.
328 South Jefferson Street, Suite 1050
Chicago, IL 60661

RE: Mike's Hard One Millionth Fan Sweepstakes

Dear Ms. Rossi:

ISSUE: This correspondence is in response to your letter dated June 11, 2014, in which you seek legal review of a sweepstakes promotion held in Pennsylvania.

According to the official rules you provided, the "mike's® Hard One Millionth Fan Sweepstakes" promotion was scheduled to be held on June 17, 2014. Consumers could participate by submitting comments online via the promotional Facebook page. On or about June 18, 2014, eight (8) entrants were to be randomly selected to each receive one of the following mike's® branded prizes: grill barrow, picnic basket, bike, hoodie, cooler, and beach bag. No purchase was necessary to participate, and the sweepstakes was open to only entrants who are twenty-one (21) years of age or older.

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.

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

LCB Advisory Opinion No. 14-376