

June 23, 2014

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April Pyatt  
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**RE: Jacob's Creek Smoker BBQ Sweepstakes**

Dear Ms. Pyatt:

ISSUE: This correspondence is in response to your letter dated May 29, 2014, which was forwarded to this office on June 18, 2014, wherein you request approval to conduct the "Jacob's Creek Smoker BBQ Sweepstakes" in Pennsylvania.

According to the "Official Rules" that you provided, the sweepstakes was scheduled to begin on June 1, 2014, and runs until September 6, 2014. Interested individuals may enter the sweepstakes by visiting [www.facebook.com/jacobs creek](http://www.facebook.com/jacobs creek) during the sweepstake entry period, clicking on the "Jacob's Creek" page to access the sweepstakes application, "liking" the page, and then following the on-screen instructions to complete and submit the online entry form. There is a limit of one (1) entry per person per e-mail address.

One (1) prize winner will be selected for the sweepstakes in a random drawing to be conducted on or about September 12, 2014. The winner will receive the following: a twenty-two and one-half (22.5)-inch Weber Smokey Mountain Cooker™; an Ultimate Smoker Toolkit; a Weber Stainless Steel Smoker Box and Fireplace Wood Chunk; a Weber Silicone Basting Brush; a Weber Stainless Steel Two (2)-Piece Set; and a Weber's Smoke Cookbook. The approximate retail value of the prize is three hundred sixty-seven dollars (\$367.00).

The sweepstakes is open only to legal residents of the fifty (50) United States and the District of Columbia who are twenty-one (21) years of age or older at the time of entry. No purchase is necessary to enter or win.

OPINION: Section 5.32(h) of the Pennsylvania Liquor Control Board's ("Board") Regulations states that a manufacturer, manufacturer's representative, 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 determined that it comports with applicable liquor laws and regulations, specifically section 493(24)(i) of the Liquor Code [47 P.S. § 4-493(24)(i)] and section 5.32(h) of the Board's Regulations [40 Pa. Code § 5.32(h)], and is acceptable for use in this Commonwealth.

Please be advised that prior approval of malt or brewed beverages point-of-sale ("POS") material and prior approval of retail licensed premises POS material is no longer required. However, the requirement for prior approval of POS material intended for use in the Board's wine and spirits stores from the Bureau of Product Selection remains. The total cost of all POS advertising material relating to any one (1) brand of any one (1) manufacturer at any one (1) time may not exceed three hundred dollars (\$300.00) on a retail licensed premises. [47 P.S. § 4-493(20)(i)].

Therefore, it is permissible to conduct the proposed 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 (POS only).
- 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 ADRESSED 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. 14-380