

July 2, 2014

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Scott A. Schleifstein
Cohen Silverman Rowan LLP
360 Lexington Avenue, 16th Floor
New York, NY 10017

RE: Guinness International Champions Cup Contest

Dear Mr. Schleifstein:

ISSUE: This correspondence is in response to your letter dated June 16, 2014, in which you seek legal review on behalf of DIAGEO-Guinness USA Inc. of a proposed contest promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “Guinness International Champions Cup Soccer Club Contest” promotion is scheduled to run from July 1 through July 17, 2014. Consumers who are an authorized representative of an amateur soccer club may participate by submitting an entry form online at the promotional website. A Local Contest prize will be awarded to an entrant in various cities, including Pittsburgh and Philadelphia. The winning entrants will receive up to thirteen (13) tickets to attend the Guinness International Champions Cup soccer match in the corresponding city. In addition, the grand prize winner will receive a trip for up to thirteen (13) soccer club members to the Guinness International Champions Cup Final in Miami, Florida, including round-trip airfare, hotel accommodations for three (3) nights, ground transportation, and tickets to the match. No purchase is necessary to enter, and the sweepstakes is open only U.S. soccer clubs comprised of legal U.S. residents 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)], assuming alcoholic beverages are not part of the prizes.

Therefore, it would be permissible to conduct this promotion in the Commonwealth, as indicated above, 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.

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July 2, 2014

Page 3

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. 14-394