

July 2, 2014

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Becky Forbes
Capital Wine & Spirits

RE: Brown-Forman Sweepstakes Promotions

Dear Ms. Forbes:

ISSUE: This correspondence is in response to your e-mail received in this office on June 18, 2014, in which you request legal review of a pair of promotions being conducted in Pennsylvania sponsored by Brown-Forman Corporation.

The first promotion, the “Jack Daniel’s Tennessee Honey Summer Swarm” promotion is scheduled to run from May 29 through July 31, 2014. Consumers may participate via the promotional website or by text message. There will be eighty-one (81) prizes awarded, none of which will contain alcohol. No purchase is necessary to enter, and the promotion is open only to U.S. residents who are twenty-one (21) years of age or older.

The second promotion, the “Sonoma-Cutrer Food & Wine Pairing Contest” promotion is scheduled to run from June 2 through July 31, 2014. Consumers may participate by following the instructions for entry online at the promotional website. One (1) grand prize and twenty-five (25) first prizes will be awarded. None of the prizes will include alcohol. No purchase is necessary to enter, and the promotion is open only to U.S. residents 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 promotions and determined that they comport 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 are acceptable for use in this Commonwealth.

Therefore, it would be permissible to conduct the promotions 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,

Becky Forbes
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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. 14-398