

July 22, 2014

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April Pyatt
Intellectual Property Compliance Manager
Pernod Ricard USA
250 Park Avenue, 17th Floor
New York, NY 10177

RE: Brancott Estate/Lady Antebellum Text to Enter Sweepstakes

Dear Ms. Pyatt:

ISSUE: This correspondence is in response to your letter sent as an e-mail attachment received in this office on July 3, 2014, in which you request legal review of a sweepstakes promotion being conducted in Pennsylvania.

According to the official rules you provided, the “Brancott Estate/Lady Antebellum Text to Enter Sweepstakes” promotion is scheduled to run from July 1 through 31, 2014. Consumers may participate via text message or online at the promotional website. On or about August 1, 2014, two (2) entrants will be randomly selected to each receive a pair of tickets to a Lady Antebellum concert scheduled to take place in Pittsburgh, Pennsylvania, on August 23, 2014. Alcohol will not be part of the prizes. No purchase is necessary to enter, and the promotion is open only to legal residents of Pennsylvania 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)], 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
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. 14-435