

Maddie Rowlett
Strike & Techel
556 Commercial Street
San Francisco, CA 94111
VIA E-MAIL: maddie@strikeandtechel.com

RE: Secret Dining Society Photo Contest

Dear Ms. Rowlett:

ISSUE: This correspondence is in response to your letter dated August 5, 2014, in which you request, on behalf of The Patrón Spirits Company, legal review of a sweepstakes promotion which was conducted in Pennsylvania.

According to your letter and the official rules, the "Patrón Secret Dining Society Instagram Photo Contest" promotion was scheduled to run from August 6 through 8, 2014. Consumers could participate online via Instagram. A panel of judges will select one (1) entrant to receive a trip for two (2) to have dinner in a "Secret Dining" city including round-trip airfare, hotel accommodations for one (1) night, and a stipend of one hundred dollars (\$100.00). Alcoholic beverages will not be included in the prize. No purchase is necessary to enter, and entrants must be 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 Section 5.32(h)].

This office has reviewed the promotion and determined that it comports with applicable liquor laws and regulations, specifically subsection 493(24) of the Liquor Code [47 P.S. Section 4-493(24)] and section 5.32(h) of the Board's Regulations [40 Pa. Code Section 5.32(h)], and is acceptable for use in this Commonwealth.

Therefore, it would be permissible to conduct the 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 Selection.
- 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, Director of Marketing and Merchandising
Michelle Bonsick, Director, Bureau of Marketing Communications,
Branding & Design
Pamela Bernd, Product Selection

LCB Advisory Opinion No. 14-478