August 26, 2014

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MacKenzie Carruth
Avid Marketing Group
The Meadows
1344 Silas Deane Highway, 5th Floor, Suite 510
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E: Four Loko Summer of Music Sweepstakes

Dear Ms. Carruth:

ISSUE: This correspondence is in response to your e-mail of August 11, 2014, in which you request legal review on behalf of Phusion Projects, LLC, of a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the "Four Loko Lokoween Sweepstakes" promotion is scheduled to run from August 29 through September 29, 2014. Consumers may participate online at the promotional Facebook page or via text message. On or about October 6, 2014, six (6) entrants will be randomly selected to each receive the grand prize of a trip for two (2) to New Orleans, Louisiana, including round-trip airfare, hotel accommodations for two (2) nights, and a gift card valued at five hundred dollars ($500.00). The promotion is open only to legal residents of the United States who are twenty-one (21) years of age or older, and no purchase is necessary to enter.

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, as long as alcoholic beverages are not included in any prize.

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 Selection.

_X_ 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

LCB Advisory Opinion No. 14-490