

September 3, 2014

Telephone: (717) 783-9454

FAX: (717) 787-8820

Ryan M. Martin
Associate
Winston & Strawn LLP
35 West Wacker Drive
Chicago, IL 60601-9703

RE: Evan Williams Honey “Drink Shame Name Game” Contest

Dear Mr. Martin:

ISSUE: This correspondence is in response to your e-mail of August 26, 2014, in which you request approval to conduct the Evan Williams Honey “Drink Shame Name Game” Contest.

According to the “Official Rules” that you provided, the contest is scheduled to begin on September 8, 2014, and runs until October 20, 2014. The contest will be divided into the following six (6) weekly entry periods: September 8, 2014 to September 15, 2014; September 15, 2014 to September 22, 2014; September 22, 2014 to September 29, 2014; September 29, 2014 to October 6, 2014; October 6, 2014 to October 13, 2014; and October 13, 2014 to October 20, 2014.

Interested individuals may enter the contest by visiting the Evan Williams Facebook page at www.facebook.com/evanwilliams and clicking on the link to the “Drink Shame Name Game” tab to access the contest application. Entrants will be asked to select one (1) of three (3) drink images as the one (1) most worthy of “drink shame.” Entrants will then be required to come up with a unique name for that drink and properly complete the online entry form. Entry is unlimited as long as each entry is a unique entry.

All eligible entries will be judged by a qualified panel of judges at the end of each applicable weekly entry period based on the following criteria: creativity—forty percent (40%); originality—thirty percent (30%); and relevance to the brand and product—thirty percent (30%). The twenty-five (25) highest scoring entries for each applicable weekly entry period will be the winners for that period. Non-

winning weekly entries will be carried over into subsequent weekly entry periods. There is a limit of one (1) weekly prize per person/household.

Each winner will receive a set of two (2) Koozie Shot Glasses. The approximate retail value of each prize is ten dollars (\$10.00).

The contest is open only to legal residents of the fifty (50) United States or the District of Columbia who are twenty-one (21) years of age or older. No purchase is necessary to enter or win.

OPINION: Section 5.32(h) of the Pennsylvania Liquor Control Board's ("Board") Regulations states that a manufacturer, manufacturer's representative, 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 determined that it comports with applicable liquor laws and regulations, specifically section 493(24)(i) of the Liquor Code [47 P.S. § 4-493(24)(i)] and section 5.32(h) of the Board's Regulations [40 Pa. Code § 5.32(h)].

Please be advised that prior approval of malt or brewed beverages point-of-sale ("POS") material and retail licensed premises POS material is no longer required. However, the requirement for prior approval of POS material intended for use in the Board's wine and spirits stores from the Bureau of Product Selection remains. The total cost of all POS advertising material relating to any one (1) brand of any one (1) manufacturer at any one (1) time may not exceed three hundred dollars (\$300.00) on a retail licensed premises. [47 P.S. § 4-493(20)(i)].

Therefore, it is permissible to conduct the proposed 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 (POS only).
- 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. 14-496