

September 10, 2014

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Deborah A. Rossi, Assistant Secretary
Mark Anthony Brands Inc.
328 South Jefferson Street, Suite 1050
Chicago, IL 60661

RE: mike's HARDER® Jamaican Lemonade Can Design Sweepstakes

Dear Ms. Rossi:

ISSUE: This correspondence is in response to your letter dated August 26, 2014, in which you seek legal review of a proposed contest promotion to be conducted in Pennsylvania.

According to the official rules you provided, the "mike's HARDER® Jamaican Lemonade Can Design Contest" promotion is scheduled to be held from October 1 through December 1, 2014. Consumers may participate by following the instructions for entry online at the promotional website. Based on consumer voting and the final decision of a judging panel, up four (4) entrants will be selected to each receive a cash prize of approximately seven thousand five hundred dollars (\$7,500.00). No purchase is necessary to participate, and the promotion is open only to consumers 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 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 (POS only).
- 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
LCB Advisory Opinion No. 14-505