

September 23, 2014

Maddie Rowlett
Strike & Techel
556 Commercial Street
San Francisco, CA 94111

RE: Patrón Roca on the Rails Sweepstakes

Dear Ms. Rowlett:

ISSUE: This correspondence is in response to your e-mail and letter received September 10, 2014, in which you request legal review, on behalf of The Patrón Spirits Company, of a sweepstakes promotion being conducted in Pennsylvania.

According to your letter and the official rules, “The Patrón ‘Roca on the Rails #FollowOurTracks Giveaway’ Sweepstakes” promotion is scheduled to run from September 9 through 30, 2014. Consumers may participate online via Instagram by submitting an entry on one (1) of three (3) entry days. One (1) entrant will be randomly selected to receive the grand prize of a trip for two (2) from Washington, D.C., to Atlanta, Georgia, aboard the “Patrón Tequila Express” including round-trip airfare, lodging for one (1) night, and one hundred dollars (\$100.00) toward ground transportation. 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 § 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. § 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 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. 14-523