

October 2, 2014

Janet Newburgh
Senior Account Executive
Don Jagoda Associates
100 Marcus Drive
Melville, NY 11747

RE: G.H. Mumm “VIP Trip to the F1 Monaco Grand Prix Contest”

Dear Ms. Newburgh:

ISSUE: This correspondence is in response to your e-mail sent September 24, 2014, wherein you seek approval to conduct the G.H. Mumm “VIP Trip to the F1 Monaco Grand Prix Contest” in Pennsylvania.

According to the “Official Rules” that you provided, the contest is scheduled to begin on October 15, 2014, and runs until January 31, 2015. The contest is open to all natural persons residing in the United States or the District of Columbia, as well as several other specified countries, who are of legal drinking age. No purchase is necessary to enter or win the contest.

Interested individuals may enter by visiting the website, www.ghmumm.com, directly, accessing a link for the website through the Official David Guetta Youtube Channel, or accessing a link through Twitter. Once the website has been accessed, interested individuals must follow the instructions to complete and submit an entry form. All entrants will be required to describe their best victory they ever experienced in five hundred (500) characters or less. Entrants may also submit an image to support their entry.

One (1) prize will be awarded for the contest. The prize winner will be selected on or about February 15, 2015, from among all eligible entries received, based on the following criteria: originality—twenty percent (20%); amusement—twenty percent (20%); unpredictability—twenty percent (20%); amount of risk in victory—twenty percent (20%); and relevance to theme—twenty percent (20%). The prize winner will receive a four (4)-day/three (3)-night trip for two (2) persons to Monaco from May 22, 2015 through May 25, 2015. The trip includes the following: round trip air transportation from the international airport closest to the residence of the winner;

hotel accommodations close to Monaco; ground transportation between Monaco and the hotel; and access to the Paddock Club located on the premises of the Grand Prix circuit on Saturday, May 23, 2015, and Sunday, May 24, 2015. The approximate retail value of the prize is thirty-six thousand dollars (\$36,000.00). The winner's travel companion must also be of legal drinking age in Pennsylvania.

OPINION: Section 5.32(h) of the Pennsylvania Liquor Control Board's ("Board") Regulations states that a manufacturer, a manufacturer's representative, or a 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)], and is acceptable for use in this Commonwealth, as long as no alcoholic beverages are awarded as part of the prize.

Please be advised that to the extent that any part of the trip being awarded as the prize involves taste testing, sampling, or the provision of alcohol at no additional cost to the winner and/or his or her travel companion, this would be considered awarding alcoholic beverages as part of the prize and is not permitted.

Further, please be advised that prior approval of malt or brewed beverages point-of-sale ("POS") material and prior approval of 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, as long as the prize being awarded does not include any alcoholic beverages, it is 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.
- the Board's wine and spirit 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. 14-533