

November 13, 2014

Charity Garner
Polling Specialist
Arrowhead Promotion & Fulfillment Co.
1105 S.E. Eight Street
Grand Rapids, Michigan 55744

RE: OakHeart Challenge and StubHub Sweepstakes

Dear Ms. Garner:

ISSUE: This correspondence is in response to your letter dated October 15, 2014, in which you seek, on behalf of Bacardi U.S.A., Inc., a legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “OakHeart Challenge and StubHub Sweepstakes” promotion began on October 1, 2014 and runs until March 31, 2015. There are three (3) ways to enter the contest: online at the promotional website, facebook or twitter, or by completing a challenge.

Monthly random drawings will be completed during the entry period. Twenty-five (25) contestants will be selected each month and receive a prize of two (2) Stub Hub’s gift cards valued at one hundred dollars (\$100.00). On or about April 5, 2015, one grand prize winner will be selected by random drawing of all entries received during the monthly entry periods to receive eleven thousand three hundred dollars (\$11,300.00) in StubHub gift cards, airline vouchers and hotel vouchers.

The sweepstakes is open only to legal residents of the fifty (50) United States and the District of Columbia (except residents of Utah) who are at least twenty-five (25) years of age. No purchase is necessary.

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)].

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.
- 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
Dale Horst, Director of Marketing and Merchandising
Michelle Bonsick, Director, Bureau of Marketing Communications,
Branding & Design
Pamela Bernd, Product Selection

LCB Advisory Opinion No. 14-581