

November 13, 2014

Karen L. Gabriele
Compliance Specialist
Mark Antony Services, Inc.
328 South Jefferson Street
Suite1030
Chicago, Illinois 60661

RE: Mike's Tw' elf Re-Gift-O-Rama

Dear Ms. Gabriele:

ISSUE: This correspondence is in response to your letter of October 31, 2014, wherein you request approval to conduct the "Mike's Tw'elf Re-Gift-O-Rama" promotion in Pennsylvania. The promotion is sponsored by Mark Anthony Brands, Inc.

According to the official rules that you provided along with your letter, interested individuals may enter the contest by submitting a photograph of themselves to the promotional web site. The contest began on November 7, 2014 and continues until December 24, 2014.

Entrants follow the links to Facebook and Twitter and receive one (1) instant win game play. The entrants then proceed to the instant win game page and open the present and reveal their prize. If a contestant chooses not to accept the prize then it can be regifted to a friend.

Prizes will be awarded in several categories from grand prize winner to smaller winners. The prizes will include Xbox Ones, Play Station 4's, portable Bluetooth speakers, smart watches, Visa gift cards, Roku streaming players, Hoodiepillow pillowcases, and numerous other items.

No alcohol is included in the prizes and no purchase is necessary to enter or win the contest. The contest is open only to legal residents of the United States or the

District of Columbia who are twenty-one (21) years of age or older at the time of entry.

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 the 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.

Therefore, 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

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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. 14-583