

November 14, 2014

Robert Conroy
Pernod Ricard USA
250 Park Avenue
New York, NY 10177

RE: Beefeater Show Us Your London Contest

Dear Mr. Conroy:

ISSUE: This correspondence is in response to your email dated November 4, 2014, wherein you request approval to conduct the “Beefeater Show Us Your London Contest” in Pennsylvania.

According to the “Official Rules” that you provided along with your letter, the promotion is scheduled to run between April 1, 2015 and June 30, 2015.

Interested individuals may enter the contest, during the appropriate submission period, by visiting Beefeater’s Facebook page, then submitting an entry form that contains a picture depicting that person’s take on what London means to them.

The entries received for the contest will be judged based on the following criteria: creativity forty percent (40%), originality forty percent (40%), and brand appeal twenty percent (20%). On or about July 15, 2015, the entries will be judged by the sponsor, independent judging organization or an entity designated by the sponsor. The entry receiving the greatest number of percentage points for the contest will be the winner. Two (2) grand prize winners will each receive a four (4) day, three (3) night trip to London, with two thousand five hundred (\$2,500.00) dollars spending money and a tour of the Beefeater distillery, with an approximate retail value of eight thousand three hundred forty dollars (\$8,340.00). Alcohol will not be included in any prize.

No purchase is necessary to enter or win the contests. The contests are 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.

Although you indicate that no point-of-sale ("POS") material will be used for this promotion, please be advised that prior approval of malt or brewed beverages 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, 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).

X 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 ADRESSED 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. 14-585