

November 21, 2014

Ryan M. Martin
Winston & Strawn LLP
35 W. Wacker Drive
Chicago, IL 60601

RE: diAmore Taste the Passion Promotion Sweepstakes

Dear Mr. Martin:

ISSUE: This correspondence is in response to your e-mail dated November 4, 2014 in which you seek, on behalf of Sazerac Company, Inc., legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “diAmore Taste the Passion Promotion Sweepstakes” promotion is scheduled to run from February 1 through March 31, 2015. Consumers may participate via a website. On or about April 1, 2015, two (2) entrants will be randomly selected to each receive a trip for two to one of three locations in Italy. The prize includes air fare and six (6) night accommodations in one of the locations. The retail value of the prizes is ten thousand seven hundred dollars (\$10,700.00). No purchase is necessary to enter, and the sweepstakes is open only to entrants who are 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 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)], assuming that alcohol will not be part of the service.

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
Pamela Bernd, Product Selection

LCB Advisory Opinion No. 14-599