

December 5, 2014

Gail Dubois
Regulatory Affairs Specialist
Licensing & Compliance Manager
153 Pond Lane
Middlebury, Vermont 05753

RE: 2015 Celebrate Woodchuck Day Sweepstakes

Dear Ms. Dubois:

ISSUE: This correspondence is in response to your e-mail sent November 24, 2014, in which you seek, on behalf of Vermont Hard Cider Company, LLC, a legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “2015 Celebrate Woodchuck Day Sweepstakes” promotion is scheduled to run from January 1 through February 8, 2015. Consumers may participate via the promotional website or Facebook. On or about February 11, 2015, five (5) grand prize winners will be randomly selected by the sponsors of the sweepstakes. The grand prize winners will each receive a “Woodchuck Summer Event Package” including: two (2) nights of hotel accommodations, airfare or bus transportation to Middlebury, Vermont, two (2) tickets to the Woodchuck Summer Event and a Visa gift card valued at two hundred dollars (\$200.00). The Summer Event will take place between June and August 2015. The total value of the prizes will be nine thousand two hundred fifty dollars (\$9,250.00). 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)].

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. 14-612