

December 9, 2014

Jessica Fenstermaker
Administrative Assistant for Marketing & Retail Sales
Capital Wine & Spirits LLC
129 Hartman Road
North Wales, PA 19454

E: Jack Daniel's It's The Thought That Counts Contest

Dear Ms. Fenstermaker:

ISSUE: This correspondence is in response to your e-mail of December 2, 2014, wherein you request approval to conduct the "Jack Daniel's It's The Thought That Counts: A Celebration of Not-So-Great Gifts Contest" sponsored by Brown - Foreman in Pennsylvania.

According to the "Official Rules" that you provided with your e-mail, the contest began on November 17, 2014, and runs until January 6, 2015. Interested individuals may enter the contest by following the instructions on the promotional website and submitting a photograph. The winner selection process will take place in two (2) phases. First, there will be a popular voting phase where all photographs entered will be viewed on the promotional website. The top one hundred (100) photos with the most votes will then advance to phase two (2) where a panel of judges will select five winners. The winners will each receive one (1) Jack Daniel's Hand-Made Decorative Sled valued at nine hundred ninety nine dollars (\$999.00). No purchase is necessary to enter the contest. Entrants must be twenty-one (21) years of age or older at the time of entry and a legal resident of the United States.

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)].

Jessica Fenstermaker

December 9, 2014

Page 2

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. 14-614