

December 10, 2014

Scott A. Schleifstein  
Cohen Silverman Rowan LLP  
360 Lexington Avenue, 16<sup>th</sup> Floor  
New York, New York 10017

**RE: Ciroc Share Your Circle Contest**

Dear Mr. Schleifstein:

ISSUE: This correspondence is in response to your e-mail dated November 25, 2014, wherein you request approval to conduct the “Ciroc Share Your Circle Contest” promotion in Pennsylvania.

According to the “Official Rules” that you provided along with your letter, the promotion is scheduled to run between December 1, 2014 and December 15, 2014.

Interested individuals may enter the contest by uploading a photograph to Twitter or Instagram and use a qualifying “hashtag.” If the photograph conforms to the rules, a private message will be sent from the Ciroc Twitter or Instagram account directing the individual to formally enter the contest by completing and submitting an official form on the contests website.

The entries received for the contest will be judged based on the following criteria: creativity, twenty-five percent (25%); originality, twenty-five percent (25%); adherence to theme, twenty-five percent (25%); and technical merit, twenty-five percent (25%). On December 16, 2014, the entries will be judged by the sponsor, independent judging organization or an entity designated by the sponsor. The top seven (7) entries receiving the highest score will be chosen as grand prize winners. Alcohol will not be included in any prize.

No purchase is necessary to enter or win the contests. The contest is open only to legal residents of the contiguous 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 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

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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. 14-615