

December 18, 2014

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

RE: Mike's Hard Lemonade Sweepstakes

Dear Mr. Martin:

ISSUE: This correspondence is in response to your e-mail dated December 5, 2014, in which you seek legal review on behalf of your client MSLGROUP, a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the "Mike's Hard Lemonade Sweepstakes" promotion is scheduled to run on December 10, 2014 between 9:00 p.m. and 9:59:59 p.m. Eastern Standard Time. Consumers may participate via Twitter. On December 10, 2014, five (5) grand prize winners will be randomly drawn to receive one of the following items, a Mike's Hard Lemonade branded drink koozie, a Mike's Hard Lemonade branded smartphone speaker, a pair of Mike's Hard Lemonade branded sunglasses, a Mike's Hard Lemonade branded key chain, and a twenty-five (\$25.00) dollar VISA gift card. Five (5) total prizes will be awarded. No purchase is necessary to enter, and the sweepstakes is open only to entrants who are twenty-one (21) years of age or older. Although not expressly written, alcohol does not appear to be part of the prizes.

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

LCB Advisory Opinion No. 14-619