

December 30, 2014

Deborah A. Rossi  
Assistant Secretary  
Mark Anthony Services, Inc.  
328 S. Jefferson, Suite 1030  
Chicago, Illinois 60661

**RE: Mike's Swag Sweepstakes**

Dear Ms. Rossi:

ISSUE: This correspondence is in response to your letter dated December 12, 2014, in which you seek, on behalf of Mark Anthony Brands, Inc., a legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the "Mike's Swag Sweepstakes" promotion is scheduled to run from January 1, 2015 through December 31, 2015. Consumers may participate online via Facebook. Forty-eight (48) winners will be selected in random drawings to be held four (4) times a month. The prizes are "swag" items including the following: t-shirts, drink cozies, key chains, hats, cell phone cases, a mike's lemon, mike's onesies, mike's bottle accessories (such as Tw'elf bottle neckers) and mike's socks. The approximate retail value of all prizes is two thousand four hundred dollars (\$2,400.00). 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

LCB Advisory Opinion No. 14-643