

January 6, 2015

MacKenzie Carruth
Account Coordinator
Avid Marketing Group
100 Corporate Place, Suite 200
Rock Hill, CT 06067

RE: Carlsberg LFC Sweepstakes

Dear Ms. Carruth:

ISSUE: This correspondence is in response to your e-mail dated December 10, 2014, in which you seek, on behalf of St. Killian Importing Co., a legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “Carlsberg LFC Sweepstakes” promotion is scheduled to run from January 1, 2015 through February 28, 2015. Consumers may participate online via the promotional website. On or about March 2, 2015 one (1) grand prize winner, ten (10) first place winners, twenty (20) second place winners and twenty-five (25) third place winners will be randomly selected by a third party. The grand prize winner will receive a trip to the Liverpool Football Match in England, in mid-March of 2015. The trip includes: two (2) nights of hotel accommodations, airfare, lunch at Carlsberg VIP Lounge, dinner with the “Legends,” tickets to the Liverpool match, attendance at the Man of the Match ceremony, and “Tour of Anfield, Museum, LFC Ship and Meet n’ Greets.” The ten (10) first prize winners will receive a personalized Liverpool kit. Each kit will include a jersey, shorts, and socks. The twenty (20) second prize winners will receive a scarf. The twenty-five (25) third place winners will receive a keychain. The total approximate retail value of the prizes is eleven thousand eight hundred thirty dollars (\$11,830.00). Alcoholic beverages will not be part of the prizes. 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. 14-645