

February 3, 2015

Ryan M. Martin
Winston & Strawn LLP
35 West Wacker Drive
Chicago, IL 60601-9703

RE: Blackheart Spiced Rum Confessions Promotion

Dear Mr. Martin:

ISSUE: This correspondence is in response to your e-mail received January 27, 2015, in which you request legal review on behalf of your client, Marketing Resources Incorporated, of a proposed sweepstakes promotion to be conducted in Pennsylvania, sponsored by Heaven Hill Brands.

According to the official rules you provided, the “Blackheart Spiced Rum Confessions Sweepstakes and Contest” promotion is scheduled to run from February 3 through March 17, 2015. Consumers may participate online via the promotional website. There will be six (6) weekly drawings in which entrants will be randomly selected to receive a branded prize package that will include a deck of playing cards and a pair of rocking rocks glasses. In addition, a panel of judges will select ten (10) entrants to each receive a grand prize package that will include a t-shirt, draw-string backpack, bracelet, and poster. No purchase is necessary to enter, and the promotion 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 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)], and is acceptable for use in this Commonwealth.

Therefore, it would be permissible to conduct the 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 Selection.
- 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
Joseph Puhalla, Director, Bureau of Product Selection

LCB Advisory Opinion No. 15-028