

February 6, 2015

Jessica Fenstermaker
Administrative Assistant for Marketing & Retail Sales
Capital Wine & Spirits LLC
129 Hartman Road
North Wales, PA 19454

E: Jack Daniel's – "Do the Never Done DJ Sweepstakes"

Dear Ms. Fenstermaker:

ISSUE: This correspondence is in response to your e-mail of January 28, 2015, which was forwarded to this office for response on January 29, 2015, wherein you request approval on behalf of Brown Forman Corporation to conduct the Jack Daniel's – "Do the Never Done DJ Sweepstakes" in Pennsylvania.

According to the "Official Rules" that you provided with your e-mail, the sweepstakes was scheduled to begin on February 1, 2015, and runs until April 30, 2015. Interested individuals may enter the sweepstakes via text message by texting "JDDJ" to 68405 during the sweepstakes period. Alternatively, interested individuals may enter the sweepstakes by visiting www.JackDaniels.com/JDDJ and completing and submitting the online entry form. There is a limit of one (1) entry per day, regardless of the method of entry.

Five hundred (500) grand prizes will be awarded for the sweepstakes. The grand prize winners will be selected in a random drawing to be conducted on or about May 11, 2015. Each grand prize winner will receive one (1) pair of Pro DJ Headphones. Alcoholic beverages are not part of the prize.

No purchase is necessary to enter or win the sweepstakes. The sweepstakes is open only to legal residents of the United States 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, a manufacturer's representative, or a 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 sweepstakes promotion and determined that it comports with 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.

Please be advised that prior approval of malt or brewed beverages point-of-sale ("POS") material and prior approval of retail licensed premises POS material is no longer required. However, the requirement for prior approval of POS material intended for use in the Board's wine and spirits stores from the Bureau of Product Selection remains. The total cost of all POS advertising material relating to any one (1) brand of any one (1) manufacturer at any one (1) time may not exceed three hundred dollars (\$300.00) on a retail licensed premises. [47 P.S. § 4-493(20)(i)].

Therefore, it is permissible to conduct the proposed sweepstakes 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.
- other – Internet, text messaging.

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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. 15-034