

April 8, 2015

April Pyatt
Marketing Compliance Manager
Pernod Ricard USA
100 Manhattanville Road, 4th Floor
Purchase, NY 10577

RE: Brancott Estate Lady Antebellum Sweepstakes

Dear Ms. Pyatt:

ISSUE: This correspondence is in response to your letter dated March 26, 2015, which was forwarded to this office on March 30, 2015, in which you seek approval, on behalf of Pernod Ricard USA, to conduct the “Brancott Estate Lady Antebellum Concert Sweepstakes” promotion in Pennsylvania.

According to the “Official Rules” that you provided, the sweepstakes was scheduled to begin on April 1, 2015, and runs until August 15, 2015. The sweepstakes consists of eight (8) Concert City Drawings and one (1) National Drawing.

Interested individuals may enter the sweepstakes by visiting www.winwithbrancott.com or www.facebook.com/brancottestate and following the prompts to enter the Concert City Drawings and/or the National Drawing. Interested individuals may submit multiple entries, either in the same or different Concert City Drawings and/or the National Drawing, during the course of the sweepstakes period; however, no more than one (1) entry may be submitted per day.

One (1) first prize will be awarded for each of the eight (8) different Concert City Drawings for a total of eight (8) first prizes. The first prize winners will be randomly selected on or about the following dates with respect to each of the following concert cities: Lubbock, Texas – April 24, 2015; Wantagh, New York – May 22, 2015; Mansfield, Massachusetts – May 22, 2015; Saratoga Springs, New York – May 22, 2015; Irvine, California – June 19, 2015; Phoenix, Arizona - July 3, 2015; Charlotte, North Carolina – July 30, 2015; and West Palm Beach, Florida

– August 17, 2015. Each first prize winner will receive VIP tickets, which includes a backstage pre-concert experience and tickets to the concert itself, for the winner and one (1) guest to the corresponding Lady Antebellum Concert. The approximate retail value of each first prize is two hundred dollars (\$200.00). Alcohol is not part of the first prizes.

One (1) grand prize will be awarded for the National Drawing. The grand prize winner will be randomly selected on or about August 17, 2015. The grand prize winner will receive a trip for the winner and one (1) guest to the Lady Antebellum Wheels Up 2015 Tour Concert in West Palm Beach, Florida, on September 6, 2015. The trip includes the following: roundtrip coach class air transportation from a major U.S. gateway airport nearest the winner's residence to West Palm Beach, Florida; two (2) nights standard hotel accommodations; airport ground transfers in West Palm Beach; and VIP tickets for the winner and guest to the concert which includes a meet and greet session with the band. The approximate retail value of the grand prize is four thousand, five hundred dollars (\$4,500.00). Alcohol is not part of the grand prize.

The sweepstakes is open only to legal residents of the United States or the District of Columbia who are twenty-one (21) years of age or older at the time of entry. No purchase is necessary to enter or win the sweepstakes.

OPINION: Section 5.32(h) of the Pennsylvania Liquor Control Board's ("Board") Regulations states that a manufacturer, manufacturer's representative, 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 sweepstakes promotion as described above 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)], as long as no alcoholic beverages are awarded as part of the prizes.

Although the "Official Rules" that you provided indicate that neither the first prizes nor the grand prize includes alcoholic beverages, it is important to point out, in case you are unaware, that to the extent that any part of the prizes being awarded will involve sampling, taste testing, or the provision of alcoholic beverages at no additional cost to the winners and/or their guests, this would be construed as awarding alcoholic beverages as part of the prizes and is not permitted.

Furthermore, please be advised that prior approval of malt or brewed beverages point-of-sale ("POS") material and 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, as long as no alcoholic beverages are awarded as part of the prizes, 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 spirits stores, subject to approval of the Bureau of Product Selection (POS only).
- 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

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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. 15-148