

April 8, 2015

Scott A. Schleifstein, Esq.  
Cohen Silverman Rowan LLP  
360 Lexington Avenue, 16<sup>th</sup> Floor  
New York, NY 10017

**RE: Crown Royal Kruger Farms Fishing Sweepstakes**

Dear Mr. Schleifstein:

ISSUE: This correspondence is in response to your e-mail and attached letter dated March 30, 2015, in which you seek approval, on behalf of Diageo Americas, Inc., to conduct the “Crown Royal Kruger Farms Fishing 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 June 30, 2015. Interested individuals may enter the sweepstakes online by visiting [www.krugerfarms.com](http://www.krugerfarms.com) and following the on-screen instructions to submit an entry. There is a limit of one (1) entry per person per day.

One (1) grand prize will be awarded for the sweepstakes. The grand prize winner will be determined in a random drawing to be conducted on or about July 7, 2015. The grand prize winner will receive a trip for two (2) people to Sioux Narrows/Kenora, Ontario, Canada for a guided fishing experience for four (4) days and three (3) nights. The trip includes the following: round-trip coach air travel from a major commercial airport nearest the winner’s residence to Minneapolis, Minnesota (with connecting service to International Falls, Minnesota); ground transportation to/from International Falls airport and a resort location near Sioux Narrows/Kenora; ground transportation to/from the resort location and the venue for fishing; fishing for the winner and guest with pro staff anglers and guides; use of appropriate equipment; bait and license for fishing during the trip; accommodations (standard, double occupancy) at a resort location; and some meals. The approximate retail value of the grand prize is three thousand, six hundred fifty dollars (\$3,650.00). Alcoholic beverages are not part of the grand prize.

No purchase is necessary to enter or win the sweepstakes. The sweepstakes is open only to legal residents of the forty-eight (48) contiguous United States who are twenty-one (21) years of age or older at the time of entry.

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 grand prize.

It is important to point out, in case you are unaware, that to the extent that any part of the trip being awarded as the grand prize will involve sampling, taste testing, or the provision of alcoholic beverages at no additional cost to the winner and/or his or her guest, this would be construed as awarding alcoholic beverages as part of the prize 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 grand prize, 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.

Scott A. Schleifstein, Esq.

April 8, 2015

Page 3

- 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 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. 15-151