

April 8, 2015

Karen L. Gabriele  
Compliance Specialist  
Mark Anthony Services, Inc.  
328 S. Jefferson Street, Suite 1030  
Chicago, IL 60661

**RE: Mike's® Harder "Spring 2016 Collectible" Can Design Contest**

Dear Ms. Gabriele:

ISSUE: This correspondence is in response to your e-mail and attached letter dated March 27, 2015, in which you seek approval to conduct the Mike's Harder "Spring 2016 Collectible" Can Design Contest promotion in Pennsylvania.

According to the "Official Rules" that you provided, the contest was scheduled to begin on April 3, 2015, and runs until May 21, 2015. Interested individuals may enter the contest online by visiting [www.Zooppa.com](http://www.Zooppa.com) and following the on-screen instructions to submit an entry. Entrants will be required to submit their most creative design for Mike's Harder "Spring 2016 Collectible" Edition Cans. Multiple entries will be accepted, but each entry must be made separately.

Consumers can visit [www.Zoopa.com](http://www.Zoopa.com) beginning on May 26, 2015 to vote for their favorite design. Consumers will vote for their ten (10) favorite designs, but the final determination of up to three (3) winners will be made by an independent judging panel, on or about June 30, 2015, based on the following criteria: originality—twenty-five percent (25%); flavor relevance—twenty-five percent (25%); design quality—twenty-five percent (25%); and brand tone—twenty-five percent (25%).

Up to three (3) grand prizes will be awarded for the contest. Each grand prize winner will receive a cash award of approximately ten thousand dollars (\$10,000.00). Entrants are permitted to win multiple times. Alcoholic beverages are not part of the prize.

No purchase is necessary to enter or win. The contest is open only to legal residents of the 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 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)].

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, it is permissible to conduct the proposed promotion in the Commonwealth in reference to the areas checked below:

retail licensed premises.

distributor licensed premises.

both retail and distributor licensed premises (POS)

only).

\_\_\_\_\_ the Board's wine and spirits stores, subject to approval of the Bureau of Product Selection.

X 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. 15-152