April 10, 2015

Scott Schleifstein
Cohen Silverman Rowan LLP
360 Lexington Avenue, 16th Floor
New York, NY 10017

RE: Hello Sunshine Sweepstakes

Dear Mr. Schleifstein:

ISSUE: This correspondence is in response to your letter of March 31, 2015, in which you request legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania by your client, DIAGEO-Guinness USA Inc.

According to the official rules you provided, the "Smirnoff Ice/Parrot Bay Hello Sunshine Sweepstakes" promotion is scheduled to run from April 1 through July 31, 2015. Consumers may participate via text message or by submitting an entry online via the promotional website. From the national pool of entries, one (1) entrant will be randomly selected to receive the grand prize of a vacation to Hawaii awarded in the form of a gift card valued at eight thousand dollars ($8,000.00). In addition, one hundred eighty (180) entrants will be randomly selected to receive a gift card valued at either fifty dollars ($50.00) or two hundred fifty dollars ($250.00). The promotion is open only to adults of legal drinking age, and no purchase is necessary to enter.

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 promotion and determined that it comports with applicable liquor laws and regulations, specifically section 493(24)(i) of the Liquor Code and section 5.32(h) of the Board's Regulations [47 P.S. § 4-493(24)(i); 40 Pa. Code § 5.32(h)].

Therefore, it would be permissible to conduct this promotion in the Commonwealth in reference to the area 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.

_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
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. 15-156