

May 11, 2015

Nichole D. Shustack, Esq.  
The Boston Beer Company  
One Design Center Place, Suite 850  
Boston, MA 02210

**RE: Twisted Tea Gone Fishing Sweepstakes**

Dear Ms. Shustack:

ISSUE: This correspondence is in response to your letter of May 1, 2015, in which you request approval to conduct the “Twisted Tea Gone Fishing Sweepstakes” promotion in Pennsylvania.

According to the “Official Rules” that you provided, the sweepstakes is scheduled to begin on June 1, 2015, and runs until August 31, 2015. Interested individuals may enter the sweepstakes by texting an official entry code found in store on point-of-sale (“POS”) cardboard signs, packaging material, cooler stickers, or other official entry code communication on sweepstakes-related advertising materials at participating retail locations to “30364.” Alternatively, interested individuals may enter the sweepstakes by sending an e-mail with their name, complete mailing address, date of birth, and the official entry code “FISH” to [OfficialRules@twistedtea.com](mailto:OfficialRules@twistedtea.com). There is a limit of one (1) entry per person, per method of entry.

One (1) grand prize and fifty (50) first prizes will be awarded for the sweepstakes. The prize winners will be selected in a random drawing to be conducted on or about September 1, 2015. The grand prize winner will receive a Bass Boat having an approximate retail value of sixteen thousand dollars (\$16,000.00). Each first prize winner will receive a Tackle Box Cooler having an approximate retail value of sixty-five dollars (\$65.00). Additionally, all entrants will receive a link to obtain one (1) free Twisted Tea Koozie having an approximate retail value of one dollar (\$1.00), while supplies last.

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The sweepstakes is open only to legal residents of the United States who are at least twenty-one (21) years of age 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 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 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 sweepstakes 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).

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\_\_\_\_\_ 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

LCB Advisory Opinion No. 15-208