

May 27, 2015

Donna Young  
Regulatory Affairs Specialist  
Vermont Hard Cider Company, LLC  
1321 Exchange Street  
Middlebury, VT 05753

**RE: Woodchuck Hard Cider “I Have Gumption” Video Contest**

Dear Ms. Young:

ISSUE: This correspondence is in response to your e-mail dated May 19, 2015, wherein you seek approval to conduct the Woodchuck Hard Cider “I Have Gumption” Video Contest promotion in Pennsylvania.

According to the “Official Rules” that you supplied with your e-mail, the contest is scheduled to begin on June 22, 2015, and runs until July 8, 2015. Interested individuals may enter the contest by visiting [www.woodchuck.com/ihavegumption](http://www.woodchuck.com/ihavegumption) and uploading a video of themselves telling or showing how they have gumption. There is a limit of one (1) entry per person during the contest period.

All entries will be posted on the website for public viewing and voting from July 9, 2015 until July 13, 2015. Persons voting may vote for their favorite entry based on the following criteria: creativity/originality—thirty percent (30%); personality/energy—thirty percent (30%); quality of video—twenty percent (20%); and fit to contest theme—twenty percent (20%). Voting is limited to one (1) vote per person per day. The fifteen (15) entrants who receive the highest number of votes during the voting period will be declared the finalists. On or about July 16, 2015, a panel of qualified judges will select ten (10) grand prize winners from amongst the finalists based on the judging criteria set forth above.

Each finalist will receive a prize package consisting of the following: one (1) Woodchuck hat; one (1) Woodchuck t-shirt; one (1) pair of Woodchuck sunglasses; a Woodchuck koozie; and two (2) tickets to Ciderstock Music Festival valid only on August 22, 2015 at the Woodchuck Cidery in Middlebury, Vermont. The approximate retail value of each finalist prize package is ninety-five dollars (\$95.00).

Each grand prize winner will receive a three (3)-day/two (2)-night trip for the winner and one (1) guest to Middlebury, Vermont valid only between August 21, 2015 and August 23, 2015. The trip includes the following: round-trip coach class air transportation for two (2) people from a major commercial airport near the winner’s

residence to Burlington International Airport; accommodations for two (2) nights (one (1) standard room, double occupancy) at a Burlington/Middlebury, Vermont area hotel; and a Visa gift card in the amount of two hundred fifty dollars (\$250.00). The approximate retail value of each grand prize is one thousand, five hundred fifty dollars (\$1,550.00).

The contest is open only to legal residents of forty-eight (48) of the United States and the District of Columbia who are twenty-one (21) years of age or older as of the time of entry and who have Internet access at all times during the contest period. No purchase is necessary to enter or win the contest.

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)], as long as no alcoholic beverages are awarded as part of the prizes.

Please be advised that to the extent that any part of the prizes being awarded, including the trip or tickets to the Ciderstock Music Festival, 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 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.
- 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. 15-231