

May 27, 2015

Sara Skinner Chubb, Esq.
Associate
Winston & Strawn LLP
35 W. Wacker Drive
Chicago, IL 60601-9703

RE: PAMA Celebrate Summer Contest

Dear Ms. Chubb:

ISSUE: This correspondence is in response to your e-mail dated May 21, 2015, wherein you seek approval, on behalf of Heaven Hill Distilleries and Slant, to conduct the “PAMA Celebrate Summer 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 20, 2015. Interested individuals may enter the contest by visiting www.pamaliqueur.com/CelebrateSummer and following the on-screen directions to complete an entry form and pin at least five (5) unique images that represent a “Summer Party or Celebration” theme. Each pin must include the hashtags #PAMACelebrateSummer and #Contest in the description. There is a limit of one (1) entry per person/e-mail address/Pinterest account. Entrants must follow PAMA Liqueur on Pinterest in order to participate in the contest.

One (1) grand prize and four (4) first prizes will be awarded for the contest. All eligible entries will be judged by a panel of qualified judges based on the following criteria: shows a summer party theme—fifty percent (50%); quality of pins on the board—thirty percent (30%); and creativity—twenty percent (20%). Entries will be assigned a score from one (1) to five hundred (500) (with one (1) being the lowest and five hundred (500) hundred being the highest). The entry with the highest total score will be the grand prize winner, and the four (4) entries with the next highest total scores will be the first prize winners.

The grand prize winner will receive a five hundred dollar (\$500.00) Visa gift card and a PAMA Liqueur-branded prize kit that includes: ten (10) recipe books; fifty (50) napkins; one (1) OXO shaker; one (1) bar spoon; one (1) acrylic pitcher; twenty-five (25) bracelets; twenty-five (25) hair ties; and four (4) ladies t-shirts. The approximate retail value of the grand prize is five hundred ninety-nine dollars (\$599.00).

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Each first prize winner will receive a two hundred fifty dollar (\$250.00) Visa gift card and a PAMA Liqueur-branded prize kit that includes: ten (10) recipe books; fifty (50) napkins; one (1) OXO shaker; one (1) bar spoon; one (1) acrylic pitcher; twenty-five (25) bracelets; twenty-five (25) hair ties; and four (4) ladies t-shirts. The approximate retail value of each first prize is three hundred forty-nine dollars (\$349.00).

The contest is open only to legal residents of the fifty (50) United States or the District of Columbia who are twenty-one (21) years of age or older. 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)].

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)].

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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.
- 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. 15-232