

May 27, 2015

Janis A. Carlow
Assistant to Lou Giordano
Vice President, Off Premise
Lantern Division
Southern Wine & Spirits

RE: Jim Beam Brands – 2 Gingers “Bourbon Revival Rewards Program”

Dear Ms. Carlow:

ISSUE: This correspondence is in response to your e-mail sent May 20, 2015, in which you request approval to run the Jim Beam Brands – 2 Gingers “Bourbon Revival Rewards Program” promotion in Pennsylvania.

According to the information that you provided, the promotion is scheduled to begin on June 1, 2015, and runs until August 31, 2015. The promotion 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 participate in Pennsylvania.

Interested individuals may participate by visiting <https://thebourbonrevival.com> and following the on-screen instructions to register and create an account. After registering, an eligible participant can start earning points towards Passport stamps. As participants earn Passport stamps, they advance to different rewards levels. Residents of Pennsylvania or other states where no purchase is required to participate may receive stamps by requesting mail-in forms and then submitting them to the designated address. Each mail-in form received will be treated as one (1) point for purposes of the program. At each level, four (4) points are required to earn one (1) Passport stamp. Participants may also earn points and/or Passport stamps by completing certain activities as specified on the website. The maximum amount of Passport stamps that a participant can earn for engaging in activities for each level is

twelve (12). There is a limit of one (1) account per person and no more than three (3) accounts per household.

The following rewards are available for each level of the program: Level One (1)—pair of Glencairn Glasses; Level Two (2)—set of barrel wood coasters; Level Three (3)—whiskey art print; and Level Four (4)—barrelwood bar tray. Rewards are available on a first come, first-served basis while supplies last.

OPINION: This office has reviewed the proposed promotion and determined that it comports with applicable liquor laws and regulations, specifically section 493(24) of the Liquor Code [47 P.S. § 4-493(24)].

Please be advised that prior approval of malt or brewed beverages point-of-sale (“POS”) material and prior approval of retail licensed premises POS material are 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 would be permissible to conduct this 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 spirit 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

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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. 15-236