

July 1, 2015

Kathryn Ellestad  
Lead Generator  
Arrowhead Promotion & Fulfillment Co.  
VIA E-MAIL: [kathryne@apfco.com](mailto:kathryne@apfco.com)

**RE: The Warsteiner “Perfect Pour” Sweepstakes**

Dear Ms. Ellestad:

ISSUE: This correspondence is in response to your e-mail of June 17, 2015, in which you request legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania, sponsored by your client, Warsteiner Importers Agency.

According to the “Official Rules” that you provided, the sweepstakes is scheduled to run from June 18, 2015 through August 9, 2015. Interested individuals may enter the sweepstakes by visiting [www.perfectpouroff.com](http://www.perfectpouroff.com), voting for their favorite Perfect Pour bartender, and completing an entry form. There is a limit of one (1) entry per person or e-mail address per day.

One (1) grand prize will be awarded for the sweepstakes. The grand prize winner will be selected in a random drawing to be conducted on or around August 10, 2015, from among all eligible entries received. The grand prize winner will receive a prize package that includes the following: transportation for the grand prize winner and his or her guest to attend Round 2 of the Warsteiner “Live Pour-Off” Competition; two (2) nights’ accommodations for two (2) people in New York City (one (1) standard room, double occupancy); and three hundred dollars (\$300.00) for spending and meals. The approximate retail value of the grand prize is one thousand, nine hundred dollars (\$1,900.00).

Three (3) second prizes will also be awarded for the sweepstakes. The second prize winners will be randomly selected in a drawing to be conducted on or around August 10, 2015. Each second prize winner will receive one (1) Warsteiner “At Home” keg pouring unit. The approximate retail value of each second prize is one thousand dollars (\$1,000.00).

No alcohol is being awarded as part of the grand prize or second prizes. There is a limit of one (1) prize per person or household.

The sweepstakes is open only to United States residents who are twenty-one (21) years of age or older at the time of entry. No purchase is necessary to enter or win.

OPINION: Section 5.32(h) of the Pennsylvania Liquor Control Board's ("Board") Regulations states that a manufacturer, a manufacturer's representative, or a 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 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 grand prize.

Although the "Official Rules" that you provided indicate that no alcohol is being awarded as part of the grand prize, please be advised that to the extent that any part of the grand prize will involve sampling, taste testing, or the provision of alcoholic beverages at no additional cost to the winner and/or his or her guest, this would be construed as awarding alcoholic beverages as part of the prize 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 grand prize, 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).
- 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. 15-270