

July 9, 2015

Scott A. Schleifstein  
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New York, NY 10017  
**VIA E-MAIL:** [scott@promolaw.com](mailto:scott@promolaw.com)

**RE: Crown Royal Barrel Sweepstakes**

Dear Mr. Schleifstein:

ISSUE: This correspondence is in response to your e-mail sent June 30, 2015, in which you request approval to conduct the “Crown Royal Barrel Sweepstakes.”

According to the “Official Rules” that you provided, the sweepstakes is scheduled to run from July 1, 2015 to September 30, 2015. Interested individuals may enter the sweepstakes by visiting [www.crownbarrelsweeps.com](http://www.crownbarrelsweeps.com), following the on-screen instructions to complete an entry, and then selecting a barrel corresponding to one (1) of twelve (12) participating Pennsylvania Liquor Control Board (“Board”) Fine Wine & Good Spirits stores. There is a limit of one (1) entry per person.

There will be twelve (12) grand prizes awarded for the sweepstakes, with one (1) grand prize being awarded per participating Fine Wine & Good Spirits store. The grand prize winners will be determined via random drawings to be conducted on or about October 1, 2015, by Avid Marketing group, an independent third party organization. Each grand prize winner will receive one (1) empty Crown Royal Hand Selected Barrel, which is like the barrels used in making Crown Royal Canadian whisky. Prize winners will be notified via e-mail or by telephone. Avid Marketing will provide each grand prize winner with a certificate, which they will then take to the applicable Board Fine Wine & Good Spirit store to claim their prize. Alcoholic beverages are not part of the prize. The approximate retail value of each grand prize is three hundred dollars (\$300.00).

The sweepstakes is open only to legal residents of Pennsylvania who are twenty-one (21) years of age or older 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, 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 it does not appear to comport 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 indicated above, 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. Although the Board's Fine Wine and Good Spirits stores are not technically retail licensed premises, this office views this limitation as applying equally to restrict the types of activities that may occur at the Board's Fine Wine and Good Spirits stores relative to sweepstakes promotions. With that being said, requiring the grand prize winners to claim their prizes at the Board's Fine Wine & Good Spirits stores is activity that goes beyond serving as a pick-up or drop-off point for entry forms. Therefore, the proposed sweepstakes promotion would not be permissible as currently configured. However, the proposed sweepstakes promotion would be permissible if it is modified such that the grand prize winners will claim their prizes at a location other than the Board's Fine Wine & Good Spirits stores or on retail licensed premises.

Scott A. Schleifstein

July 9, 2015

Page 3

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  
Joseph Puhalla, Director, Bureau of Product Selection

LCB Advisory Opinion No. 15-284