

August 5, 2015

Karen L. Gabriele Sr.
Compliance Specialist Mark
Anthony Services, Inc.
328 South Jefferson Street, Suite 1030
Chicago, IL 60661

RE: Mike's HARDER® 12 Pack Cans Rover Cooler Sweepstakes

Dear Ms. Gabriele:

ISSUE: This correspondence is in response to your e-mail of July 28, 2015, wherein you request approval to conduct the "Mike's HARDER® 12 Pack Cans Rover Cooler Sweepstakes" in Pennsylvania.

According to the "Official Rules" that you provided with your e-mail, the sweepstakes is scheduled to begin on September 1, 2015, and runs until September 30, 2015. Interested individuals may enter the sweepstakes by printing their name, address, date of birth, cell phone number, and the words "Mike's HARDER® Rover Cooler Sweepstakes" on a three (3)-inch by five (5)-inch card and mailing it to the designated address. Alternatively, interested individuals may enter the sweepstakes by texting "TAILGATETIME" to the short code "31279." There is a limit of one (1) entry per person, regardless of the method of entry.

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 about October 15, 2015. The grand prize winner will receive a Mike's HARDER® Rover Cooler having an approximate retail value of four hundred dollars (\$400.00). Alcoholic beverages are not part of the prize.

The sweepstakes is open only to legal residents of five (5) different states, including 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 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 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)].

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, 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 spirit stores, subject to approval of the Bureau of Product Selection.

X other – Internet, text messaging.

Karen L. Gabriele

August 5, 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

LCB Advisory Opinion No. 15-326