

August 6, 2015

Karen L. Gabriele
Compliance Specialist
Mark Anthony Services Inc.
328 South Jefferson Street, Suite 1050
Chicago, IL 60661

RE: Mike's Frankie Ballard Backstage Barbeque Promotion

Dear Ms. Gabriele:

ISSUE: This correspondence is in response to your letter of July 28, 2015, in which you request legal review of a proposed promotion to be conducted in Pennsylvania by Mark Anthony Brands Inc.

According to the official rules you provided, the "mike's® Frankie Ballard Backstage Barbeque Promotion" is scheduled to run from August 10 through September 7, 2015. Consumers may participate by text message or mail. Each participant will receive a code which will provide access to a free song download. The promotion is open only to adults of legal drinking age, and no purchase is necessary to participate.

OPINION: This office has reviewed the promotion and determined that it comports with applicable liquor laws and regulations, specifically section 493(24)(i) of the Liquor Code and section 5.32(h) of the Board's Regulations [47 P.S. § 4-493(24)(i); 40 Pa. Code § 5.32(h)].

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.

X 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
Joseph Puhalla, Director, Bureau of Product Selection

LCB Advisory Opinion No. 15-331