

August 6, 2015

Donna Young  
Regulatory Affairs Specialist  
Vermont Hard Cider Company, LLC  
1321 Exchange Street  
Middlebury, VT 05753

**RE: Woodchuck Backyard Cider Pub Sweepstakes**

Dear Ms. Young:

ISSUE: This correspondence is in response to your e-mail dated July 28, 2015, wherein you seek legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania in support of Woodchuck Hard Cider.

According to the official rules you provided, the “Backyard Cider Pub Sweepstakes” promotion will run from September 1 through October 31, 2015. Consumers may participate by text message or by submitting an entry form online. Three (3) entrants will be randomly selected to each receive a “Woodchuck Backyard Cider Pub,” including a kegerator unit, signs, stools, a light, and two (2) outlets. The sweepstakes is open only to adults of legal drinking age, and no purchase is necessary to enter.

OPINION: Section 5.32(h) of the Pennsylvania Liquor Control Board’s (“Board”) Regulations states that a manufacturer, manufacturer’s representative, 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)].

Donna Young  
August 6, 2015

This office has reviewed the proposed promotion 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)].

Therefore, it is permissible to conduct the proposed 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.  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. 15-332