

August 26, 2015

Maddie Rowlett
Strike & Techel
Alcohol Beverage Law
556 Commercial Street
San Francisco, CA 94111

RE: Best Singha Moment Contest

Dear Ms. Rowlett:

ISSUE: This correspondence is in response to your e-mails and corresponding letter sent August 10, 2015, and August 20, 2015, in which you request approval, on behalf of Boonrawd Brewery Co. Ltd., to run the “Best Singha Moment Contest” promotion in Pennsylvania.

According to the “Official Rules” that you provided, the promotion is scheduled to begin on September 1, 2015, and runs until November 1, 2015. Interested individuals may enter the contest by taking the following steps: creating a Facebook account, if they do not already have an account; visiting the Singha Beer US Facebook account located at <https://www.facebook.com/singhabeerus>; posting a photograph on Singha Beer’s Facebook timeline that they feel depicts their best Singha moment; composing a caption to describe their best Singha moment; and including the hashtag #SinghaMomentContest in the caption. Photos may, but need not, include a Singha Beer product, a Singha branded glass, or other Singha logo. There is no limit to the number of entries that each individual may submit, as long as each entry contains a different photo and caption.

All eligible entries received will be evaluated by a panel of judges based on the following criteria: creativity and originality—thirty-five percent (35%); representation of best Singha moments—thirty-five percent (35%); entertainment value—fifteen percent (15%); and photo composition quality—fifteen percent (15%). The four (4) entries with the highest total score above ninety-five (95) points will be deemed the winners.

Each winner will receive a five (5)-day and four (4)-night trip for the winner and a guest to Koh Samui, Thailand. The trips include the following: round-trip standard economy airfare for the winners and their guests to the major commercial airport nearest the destination; hotel accommodations for four (4) nights (double occupancy, standard room) in a hotel chosen by the sponsor; invitations for the contest winners and their

guests to a VIP party, to be hosted by the sponsor at the destination; and roundtrip car service to and from the airport and the hotel and transportation to and from the VIP party. The approximate retail value of each prize is eleven thousand, two hundred fifty dollars (\$11,250.00). The prizes do not include alcoholic beverages.

The contest is open only to legal residents of the fifty (50) United States or Washington D.C., who are at least twenty-one (21) years of age at the time of entry. The contest is also open to legal drinking age residents of the United Kingdom and Australia. No purchase is necessary to enter or win the contest.

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 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)], and is acceptable for use in this Commonwealth, as long as alcoholic beverages are not awarded as part of the prizes.

Although the "Official Rules" that you provided indicate that the prizes do not include alcoholic beverages, please be advised that to the extent that any part of the trips being awarded as the prizes, including the VIP party to be hosted by the sponsor at the destination, will involve sampling, taste testing, or the provision of alcoholic beverages at no additional cost to the winners and/or their guests, this would be construed as awarding alcoholic beverages as part of the prizes 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 prizes, 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.
- 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. 15-367