

August 26, 2015

Heather Rice
Manager, Regulatory Affairs
Beam Suntory

RE: Jim Beam Bourbon Tailgate Season Sweepstakes

Dear Ms. Rice:

ISSUE: This correspondence is in response to your e-mail received in this office on August 19, 2015, in which you request legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania by Jim Beam Brands Co.

According to the official rules you provided, the “Jim Beam Bourbon Tailgate Season Sweepstakes” promotion is scheduled to run from August 17 through December 15, 2015. Consumers may participate via text message or by mail. One (1) entrant will be randomly selected to receive the grand prize of a trip for two (2) to a collegiate football regular season game, including airfare, lodging, a food allowance of two hundred dollars (\$200.00), game tickets, and a check for seven hundred fifty dollars (\$750.00) for miscellaneous expenses. In addition, one hundred twenty-five (125) entrants will be randomly selected to each receive one (1) of the following branded prizes: a corn hole set, a portable grill, a tailgate table with benches, a set of tailgating foldable chairs, or a set of three (3) coolers. The promotion 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 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 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.
- 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, Marketing and Merchandising
Joseph Puhalla, Director, Bureau of Product Selection

LCB Advisory Opinion No. 15-373