

September 11, 2015

Jim Heetman
Promotion Mechanics, Inc.
87 South Main Street
Newtown, CT 06470

RE: Wild Turkey – #NeverTamed Sweepstakes

Dear Mr. Heetman:

ISSUE: This correspondence is in response to your e-mail and letter dated September 2, 2015, wherein you request approval, on behalf of Campari America LLC, to conduct the Wild Turkey “#NeverTamed Sweepstakes” in Pennsylvania.

According to the “Official Rules” that you provided, the sweepstakes is scheduled to begin on September 28, 2015, and runs until November 22, 2015. Interested individuals may enter the sweepstakes via the Internet by visiting www.wildturkeytour.com and completing and submitting an entry form. There is a limit of one (1) entry per e-mail address per day.

One (1) grand prize will be awarded for the sweepstakes. The grand prize winner will be randomly selected from among all eligible entries received during the promotion period on or about November 23, 2015. The grand prize winner will receive a trip for the winner and one (1) guest to tour the Wild Turkey Distillery in Lawrenceburg, Kentucky. The trip includes the following: round trip coach air travel for two (2) people to Louisville, Kentucky, from a major commercial airport near the winner’s residence; double-occupancy hotel accommodations for three (3) days and two (2) nights; airport/hotel transfers; and one thousand dollars (\$1,000.00) in spending money. Alcoholic beverages will not be provided as part of the prize.

The sweepstakes is open only to legal residents of the fifty (50) United States or the District of Columbia who are at least twenty-one (21) years of age or older at the time of entry and who have access to the Internet. 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, 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 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)], as long as no alcoholic beverages are awarded as part of the prize.

Although the "Official Rules" that you provided indicate that alcoholic beverages will not be provided as part of the prize, please be advised that to the extent that any part of the trip being awarded as the prize, including the tour of the Wild Turkey Distillery, will involve sampling, taste testing, or the provision of alcoholic beverages at no additional cost to the winner and/or his or her guest, this would be construed as awarding alcoholic beverages as part of the prize 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 Fine Wine & Good 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 prize, 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.
- the Board's wine and spirits stores, subject to approval of the Bureau of Product Selection POS only).
- 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. 15-395