

September 29, 2015

Leigh Huckabee
Commercial Marketing Manager
North American Spirit & Wine Broker
Division of Southern Wine & Spirits
207 Overlook Drive, Suite #10
Sewickley, PA 15143
VIA E-MAIL

RE: Ketel One Vodka Distillery Trip Sweepstakes

Dear Ms. Huckabee:

ISSUE: This correspondence is in response to your e-mail of September 21, 2015, in which you request legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania by Diageo Americas, Inc.

According to the sample advertisement you provided, the “Ketel One Vodka Distillery Trip Sweepstakes” promotion is scheduled to run from October 1, 2015, through March 31, 2016. Consumers must visit a website for information on how to participate. The grand prize winner will receive a trip to the Nolet Family Distillery in Holland. There will also be weekly prizes. No purchase is necessary to enter, and the promotion is open only to adults of legal drinking age.

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.

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)], assuming alcoholic beverages will not be included in any of the prizes.

Therefore, it would be permissible to conduct this promotion in the Commonwealth, subject to the above limitation, 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 Management.
- 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
Stacy Kriedeman, Director, Marketing Communications
Joseph Puhalla, Director, Bureau of Product Selection

LCB Advisory Opinion No. 15-419