

October 1, 2015

Donna Young
Regulatory Affairs Specialist–Distributor Network Administrator
Vermont Hard Cider Company, LLC
1321 Exchange Street
Middlebury, VT 05753
VIA E-MAIL: dyoung@vthardcider.com

RE: Magners® Irish Cider Celtic Q&A Giveaway Sweepstakes

Dear Ms. Young:

ISSUE: This correspondence is in response to your e-mail sent September 24, 2015, wherein you seek approval to conduct the “Magners® Irish Cider Q&A Giveaway Sweepstakes” promotion in Pennsylvania.

According to the “Official Rules” that you supplied with your e-mail, the sweepstakes is scheduled to begin on November 1, 2015, and runs until December 31, 2016. The sweepstakes is comprised of a series of separate giveaway promotions for each featured Celtic Football Club player hosting an upcoming question and answer (“Q&A”) session.

Interested individuals may enter each giveaway promotion via Twitter or Facebook by tweeting or posting a question to be answered by the featured Celtic Football Club player during that player’s Q&A session along with the designated hashtag. There is a limit of one (1) entry per person per giveaway promotion.

For each giveaway promotion, one (1) winner will be randomly selected from among all eligible entries received for that giveaway promotion. Each winner will receive an autographed jersey from the featured Celtic United player for the corresponding giveaway promotion. The approximate retail value of each prize is eighty-five dollars (\$85.00). There is a limit of one (1) prize per family or household.

The sweepstakes is open only to permanent, legal residents of the United States or the District of Columbia who are at least twenty-one (21) years of age and who have access to the Internet at all times during the sweepstakes period. 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, 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)].

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)].

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, 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
Stacy Kriedeman, Director, Marketing Communications
Joseph Puhalla, Director, Bureau of Product Selection

LCB Advisory Opinion No. 15-426