

November 5, 2015

Scott A. Schleifstein  
Cohen Silverman Rowan LLP  
360 Lexington Avenue, 16<sup>th</sup> Floor  
New York, NY 10017  
**VIA E-MAIL**

**RE: Crown Royal “Your Hero’s Name Here” Contest**

Dear Mr. Schleifstein:

ISSUE: This correspondence is in response to your e-mail and letter dated October 28, 2015, in which you seek approval, on behalf of Diageo Americas, Inc., to conduct the Crown Royal “Your Hero’s Name Here” Contest promotion in Pennsylvania.

According to the “Official Rules” that you provided, the contest was scheduled to begin on November 1, 2015, and runs until February 28, 2016. The contest is open only to legal residents of the United States who are twenty-one (21) years of age or older at the time of entry. No purchase is necessary to enter or win the contest.

Interested individuals may enter the contest by visiting [www.NASCAR.com](http://www.NASCAR.com) and following the links and on-screen instructions to nominate their hero for naming rights to the 2016 Crown Royal “Your Hero’s Name Here” 400 at the Brickyard race scheduled to be held at the Indianapolis Motor Speedway<sup>®</sup> in Indianapolis, Indiana. Entrants are required to describe, in one hundred (100) words or less, a personal achievement, unselfish act, or honorable act of the person being nominated that is worthy of a toast with Crown Royal. Entrants are permitted to nominate as many people as they would like, but each entry must be materially different and transmitted separately. Entrants are not permitted to submit multiple entries for the same person or self-nominations.

All eligible entries received will be judged based on the following criteria: originality; relevance to Crown Royal product; appeal; clarity; and appropriateness for use in publicity and advertising. The top five (5) scoring entries will advance as finalists and will be announced on or about March 28, 2016. Each finalist will be highlighted on NASCAR.com or a Crown Royal digital property, and consumers will have the chance to vote for their favorite entry. The finalist entries will then be

judged again based on the criteria set forth above, as well as based on the number of consumer votes received. The top scoring finalist will be deemed the grand prize winner.

The grand prize winner will receive an ultimate race experience at the 2016 Brickyard 400 for the winner and one (1) guest. The ultimate race experience may include some or all of the following in the sponsor's sole discretion: name identification with the 2016 Crown Royal "Your Hero's Name Here" 400 at the Brickyard race; VIP pre-race tour; infield access; access to the Crown Royal luxury suite and RV during the race; access to Victory Lane at the end of the race; Crown Royal racing souvenirs; round trip coach class air travel to the race city from the major airport closest to the winner's residence; double occupancy room accommodations for the winner and guest for four (4) days and three (3) nights; five hundred dollars (\$500.00) in spending money; ground transportation between the destination airport/hotel and hotel/race track. The grand prize winner's guest must be twenty-one (21) years of age or older. The approximate retail value of the grand prize is seven thousand, five hundred dollars (\$7,500.00).

Each finalist will receive a trip for two (2) to the 2016 Brickyard 400. The trip may include some or all of the following in the sponsor's sole discretion: two (2) tickets to the race; Crown Royal chalet access; infield access; VIP pre-race tour; round trip coach air travel to the race city from the major airport closest to the winner's residence; double occupancy room accommodations for the winner and guest for three (3) days and two (2) nights; five hundred dollars (\$500.00) in spending money; and ground transportation between the destination airport/hotel and hotel/race track. Guests of finalists must be twenty-one (21) years of age or older. The approximate retail value of each finalist prize is six thousand dollars (\$6,000.00).

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 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 prizes.

Please be advised that to the extent that any part of the trips being awarded as the prizes 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 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

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POLICIES ON WHICH THIS OPINION IS BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE PENNSYLVANIA LIQUOR CONTROL BOARD.

Very truly yours,

RODRIGO J. DIAZ  
EXECUTIVE DEPUTY 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. 15-462