

December 18, 2015

Karen L. Gabriele
Sr. Compliance Specialist
Mark Anthony Services, Inc.
328 S. Jefferson Street, Suite 1030
Chicago, IL 60661
VIA E-MAIL

RE: Mike's Hard "Mikesabers" Sweepstakes

Dear Ms. Gabriele:

ISSUE: This correspondence is in response to your e-mail and letter dated December 14, 2015, wherein you seek approval to conduct the Mike's Hard "Mikesabers" Sweepstakes promotion in Pennsylvania.

According to the "Official Rules" that you provided, the sweepstakes is scheduled to begin on December 18, 2015, and runs until December 19, 2015. Interested individuals may enter the sweepstakes online by accessing the Mike's Hard Facebook page at www.Facebook.com/MikesHardLemonade, the Mike's Hard Twitter page at Twitter.com/MHL, or the Mike's Hard Instagram page at www.Instagram.com/MikesHardLemonade and following the on-screen instructions to comment on or retweet a Sponsor post. Entrants must have a valid Facebook, Twitter, or Instagram account to participate. There is a limit of one (1) entry per person, regardless of the method of entry used.

Two prizes will be awarded for the sweepstakes. The winners will be determined in a random drawing to be conducted on or about December 21, 2015. Each prize winner will receive a custom Mike's Hard light saber. The approximate retail value of each prize is \$445.00. Alcoholic beverages are not part of the prize.

The sweepstakes is open only to legal residents of the United States or the District of Columbia who are twenty-one years of age or older at the time of entry. 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 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 brand of any one manufacturer at any one time may not exceed \$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 (POS only).
- the Board's wine and spirits 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,

RODRIGO J. DIAZ
EXECUTIVE DEPUTY CHIEF COUNSEL

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement

LCB Advisory Opinion No. 15-502