December 24, 2015

Karen Gabriele
Mark Anthony Brand Services, Inc.
328 South Jefferson Street, Suite 1030
Chicago, IL 60661
VIA E-MAIL

RE: Palm Breeze Holiday Giveaway Sweepstakes

Dear Ms. Gabriele:

ISSUE: This correspondence is in response to your e-mail and letter dated December 9, 2015, in which you seek legal review of a sweepstakes promotion which was scheduled to be conducted in Pennsylvania.

According to the official rules you provided, the "Palm Breeze Holiday Giveaway Sweepstakes" promotion was scheduled to run from December 14 through December 18, 2015. Interested individuals could enter the sweepstakes online via Instagram or by mail. The rules state that five entrants will be randomly selected on December 23, 2015, to each receive a pineapple-shaped necklace and a palm tree-shaped necklace. Alcoholic beverages are not part of any prize. The promotion was open only to adults of legal drinking age, and no purchase was necessary to enter. The estimated value of all prizes is $125.00.

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 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 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)].

Therefore, it would be permissible to conduct the proposed sweepstakes promotion in the Commonwealth in reference to the area 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).

_X_ 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
Dale Horst, Director, Marketing and Merchandising
Stacy Kriedeman, Director, Marketing Communications
Joseph Puhalla, Director, Bureau of Product Selection

LCB Advisory Opinion No. 15-509