

February 25, 2016

Lauren Jobmann
Account Coordinator
Avid Marketing Group
100 Corporate Place, Suite 200
Rocky Hill, CT 06067
VIA E-MAIL

RE: Tito's Handmade Vodka Austin City Limits Sweepstakes

Dear Ms. Jobmann:

ISSUE: This correspondence is in response to your e-mail of February 15, 2016, in which you seek legal review, on behalf of Fifth Generation, Inc., of a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the "Tito's® Handmade Vodka Austin City Limits Sweepstakes" promotion is scheduled to run from April 1 through July 1, 2016. There will be fourteen "segments" of entrants, two of which will include Pennsylvania residents: the National Segment and the Eastern Segment. Interested individuals may enter the sweepstakes online via the promotional website or via text message. One entrant from the National Segment will be randomly selected to receive the grand prize of a trip for two to the Austin City Limits Music Festival, including airfare, lodging for four nights, general admission passes to the music festival, and a Visa gift card valued at \$500.00. One entrant from the Eastern Segment will also be randomly selected to receive a pair of passes to the music festival. In addition, fifty instant-win prizes will be awarded to random entrants in the Eastern Segment and will include a branded camping bag chair and a branded golf umbrella. Alcoholic beverages will not be part of the prizes. The promotion is open only to adults of legal drinking age, and no purchase is necessary to enter.

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 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 sweepstakes 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 spirit 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,

RODRIGO J. DIAZ
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. 16-046