

April 8, 2016

April Pyatt
Marketing Compliance Manager
Pernod Ricard USA
VIA E-MAIL

RE: Lady Antebellum Concert Sweepstakes

Dear Ms. Pyatt:

ISSUE: This correspondence is in response to your e-mail of March 21, 2016, in which you request legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “Brancott Estate[®] Lady Antebellum Concert Sweepstakes” promotion is scheduled to run from April 1 through July 31, 2016. Consumers may participate online via the promotional website, where they may select one of seven concerts as a potential prize. One entrant from each of the seven entry pools will be randomly selected to receive a pair of tickets to the event. In addition, one entrant will be randomly selected from all valid entries to receive the grand prize of a trip for two to the Lady Antebellum concert in Grand Island, Nebraska, including airfare, lodging for two nights, ground transportation, VIP tickets to the concert including a meet-and-greet session, and two tickets to the state fair. 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 (“PLCB”) Regulations states that a manufacturer 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 promotion and determined that it comports with applicable liquor laws and regulations, specifically section 493(24)(i) of the Liquor Code and section 5.32(h) of the PLCB's Regulations. 47 P.S. § 4-493(24)(i); 40 Pa. Code § 5.32(h).

Therefore, it would be permissible to conduct this promotion in the Commonwealth in reference to the areas checked below:

- retail licensed premises.
- distributor licensed premises.
- both retail and distributor licensed premises.
- the PLCB's wine and spirit 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.

Sincerely,



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. 16-106