

April 5, 2016

Janis A. Carlow
Assistant to Lou Giordano
Vice President, Off Premise
Lantern Division
Southern Wine & Spirits
VIA E-MAIL

RE: Arbor Mist Kick Off the Summer Sweepstakes

Dear Ms. Carlow:

ISSUE: This correspondence is in response to your e-mail sent March 29, 2016, wherein you request legal review of the “Arbor Mist Kick Off the Summer Sweepstakes.”

According to the “Official Rules” that you provided, the sweepstakes promotion is scheduled to begin on March 1, 2016, and runs until June 30, 2016. Interested individuals may enter the sweepstakes by completing and submitting the online entry form found at wine.social/arbormistsummersweeps. Once registered, entrants may earn additional entries by inviting friends to participate in the sweepstakes.

One grand prize and one hundred second prizes will be awarded for the sweepstakes. The prize winners will be determined in a random drawing to be conducted on or about July 5, 2016. The grand prize winner will receive a Water Sport Vehicle having a four-cylinder, four-stroke engine. The approximate retail value of the grand prize is \$12,000.00. Each second prize winner will receive a beach set consisting of one beach chair, one tote bag, and one beach towel. The approximate retail value of each second prize is \$75.00. The prizes do not include alcoholic beverages.

The sweepstakes is only open to legal residents of the fifty United States and the District of Columbia who are twenty-one years of age or older as of the date of entry. No purchase is necessary to enter or win the sweepstakes.

OPINION: Section 5.32(h) of the Pennsylvania Liquor Control Board’s (“PLCB”) Regulations states that a manufacturer, a manufacturer’s representative, or a 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 PLCB's Regulations, 40 Pa. Code § 5.32(h), and is acceptable for use in this Commonwealth.

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 PLCB's Fine Wine and Good 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 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.
- the PLCB's Fine Wine and Good 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**

Janis Carlow
April 5, 2016
Page 3

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,

A handwritten signature in cursive script that reads "Rodrigo J. Diaz".

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. 16-111