

April 21, 2016

Ryan M. Martin
Winston & Strawn LLP
35 West Wacker Drive
Chicago, IL 60601-9703
VIA E-MAIL

RE: Burnett's Vodka More Fun Tour Summer Sweepstakes

Dear Mr. Martin:

ISSUE: This correspondence is in response to your e-mail received April 4, 2016, wherein you request legal review of a proposed sweepstakes promotion that Slant and Heaven Hill Brands would like to offer to consumers in Pennsylvania, the "Burnett's Vodka More Fun Summer Tour Sweepstakes."

According to the "Official Rules" that you provided, the sweepstakes is scheduled to begin on May 2, 2016, and will run until July 15, 2016. The sweepstakes will consist of eleven weekly drawings and one grand prize drawing.

Interested individuals may enter the sweepstakes online by visiting www.morefuntour.com during the sweepstakes period and completing and submitting an entry form. Each eligible entry will be entered into the weekly sweepstakes drawing for the weekly entry period during which it is received, and all non-winning entries will carry forward into subsequent weekly entry period drawings. All eligible entries will also be entered into the grand prize drawing. There is a limit of one entry per person/e-mail address per day.

A total of seventy-seven weekly prize winners will be selected, with seven winners being selected for each weekly entry period. The weekly prize winners will be selected in random drawings that correspond to the weekly entry periods. Each weekly prize winner will receive a Burnett's Vodka branded prize pack that consists of a hat, t-shirt, sunglass strap, key chain, and ten shot cups. The approximate retail value of each prize pack is \$50.00.

One grand prize winner will also be selected. The grand prize winner will be selected in a random drawing to be conducted on or about July 15, 2016. The grand prize winner will receive a getaway for the winner and up to three guests to Chicago, Illinois, from August 18, 2016, to August 20, 2016, to see Walk the Moon on August 19, 2016. The

trip includes the following: round-trip economy class air transportation for the winner and up to three guests from a commercial airport near the winner's and/or each guest's residence within the fifty United States to Chicago, Illinois; hotel accommodations for three days/two nights (two standard single-rooms with double occupancy); ground transportation to/from the airport/hotel and hotel/concert venue; four VIP tickets for the Walk the Moon concert on August 19, 2016; a meet & greet with Walk the Moon for the winner and guests; four Burnett's Vodka prize packs for the winner and guests consisting of a hat, t-shirt, sunglass strap, keychain, ten shot cups, and a Walk the Moon vinyl album; and a \$500 Visa® Prepaid card to be used for incidentals. The winner's guests must be twenty-one years of age or older. The approximate retail value of the grand prize is \$5,400.00. There is a limit of one weekly prize and one grand prize per person/household.

The sweepstakes is open only to legal residents of the United States 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 ("PLCB") 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 based on the "Official Rules" that you provided, 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 PLCB's Regulations, 40 Pa. Code § 5.32(h), as long as no alcoholic beverages are awarded as part of the grand prize.

Please be advised that any part of the trip being awarded as the grand prize involving sampling, taste testing, or the provision of alcoholic beverages at no additional cost to the winner and/or his or her guests would be construed as awarding alcoholic beverages as part of the prize and is not permitted.

Furthermore, 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 a retail licensed premises. 47 P.S. § 4-493(20) (i).

Therefore, as long as no alcoholic beverages are awarded as part of the grand prize, 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 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