

April 22, 2016

Jordan Arnot Leahey
Partridge Partners
321 North Clark Street, Suite 720
Chicago, Illinois 60654
VIA E-MAIL

RE: Pacifico Summer 2016 Sweepstakes

Dear Ms. Leahey:

ISSUE: This correspondence is in response to your e-mail sent April 7, 2016, wherein you request legal review of a sweepstakes promotion that your client, Crown Imports LLC, wishes to offer to consumers in Pennsylvania—the “Pacifico Summer 2016 Sweepstakes.”

According to the “Official Rules” that you provided, the sweepstakes promotion is scheduled to begin on May 6, 2016, and runs until August 31, 2016. Interested individuals may enter the sweepstakes by posting an original “adventure” photo on Instagram with the hashtag #PacificoSweepstakes and @PacificoBeer. Entrants must have a non-private Instagram account to enter and have their account privacy setting set to “Off.” There is a limit of four entries per person.

Forty prizes will be awarded for the sweepstakes. The prize winners will be selected in a random drawing to be conducted on or about September 7, 2016. Each prize winner will receive a Burton® Durable Goods backpack filled with assorted adventure gear items. The approximate retail value of each prize is \$500.00. Alcoholic beverages are not part of the prizes.

The sweepstakes is open only to legal residents of the fifty United States or the District of Columbia who are at least twenty-one years of age and who have a web-enabled mobile device prior to May 6, 2016. 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 (POS only).
- the PLCB's Fine Wine and Good Spirits stores, subject to approval of the Bureau of Product Selection.
- other – Internet, text messaging.

Jordan Arnot Leahey

April 22, 2016

Page 3

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,

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

LCB Advisory Opinion No. 16-129