

April 22, 2016

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

**RE: “Meet The Blackhearts” Sweepstakes**

Dear Mr. Martin:

ISSUE: This correspondence is in response to your e-mail sent April 11, 2016, wherein you request legal review of a proposed promotion that Cohen-Friedberg and Heaven Hill Brands would like to offer to consumers in Pennsylvania—the “Meet The Blackhearts” Sweepstakes.

According to the “Official Rules” that you provided, the sweepstakes is scheduled to begin on May 16, 2016, and runs until July 11, 2016. Interested individuals may enter the sweepstakes by visiting <http://www.worldofplayboy.com/theblackhearts> and completing and submitting the entry form. There is a limit of one entry per person.

One grand prize will be awarded for the sweepstakes. The grand prize winner will be selected in a random drawing from among all eligible entries received throughout the promotion period. The grand prize winner will receive a trip for two people to Los Angeles, California to attend Playboy’s Midsummer Night’s Dream Party at the Playboy Mansion on August 6, 2016. The trip includes the following: round trip coach class airfare for the grand prize winner and one guest between the major U.S. airport that is nearest to the Grand Prize winner’s residence and Los Angeles, California; one night’s hotel accommodations (single room, double occupancy); round trip ground transportation to and from the Los Angeles International Airport; and two tickets to attend Playboy’s Midsummer Night’s Dream Party at the Playboy Mansion on August 6, 2016. The grand prize winner’s travel companion must be twenty-one years of age or older. The approximate retail value of the grand prize is \$2,200.00.

The sweepstakes is open only to legal residents of the United States or the District of Columbia 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 (21) 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 to the extent that any part of the trip being awarded as the grand prize will involve sampling, taste testing, or the provision of alcoholic beverages at no additional cost to the winner and/or his or her guest, this 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

LCB Advisory Opinion No. 16-130