

April 28, 2016

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

RE: Evan Williams Seriously Good Fan Pics Contest

Dear Mr. Martin:

ISSUE: This correspondence is in response to your e-mail of April 7, 2016, in which you request legal review of a proposed promotion to be conducted in Pennsylvania by your client, Slant, on behalf of Heaven Hill Brands.

According to the official rules you provided, the “Evan Williams Seriously Good Fan Pics Contest” promotion is scheduled to run from May 1, 2016, through April 30, 2017. Consumers may participate online by uploading a photo via the promotional website. A panel of judges will select twelve winners each month, for a total of 144 winners, who will each receive a branded leather-wrapped stainless steel flask, a pair of shot glasses, and a pouring funnel. No purchase is necessary to enter, and the promotion is open only to adults of legal drinking age. The total approximate retail value of all prizes is \$4,320.00.

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 proposed promotion and has determined that it comports with applicable liquor laws and regulations, specifically subsection 493(24) of the Liquor Code, 47 P.S. § 4-493(24), and section 5.32(h) of the PLCB's Regulations, 40 Pa. Code § 5.32(h), assuming alcoholic beverages will not be given as part of the prizes.

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

- retail licensed premises.
- distributor licensed premises.
- both retail and distributor licensed premises.
- the PLCB's wine and spirits stores, subject to approval of the Bureau of Product Management.
- 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