pennsylvania
LIQUOR CONTROL BOARD

May 5, 2016

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

RE: Go Inside the World of Beam Sweepstakes

Dear Ms. Carlow:

ISSUE: This correspondence is in response to your e-mail received April 18, 2016, in which you request legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the "Jim Beam® Bourbon 'Go Inside The World Of Beam' Sweepstakes" promotion is scheduled to run from June 1 through July 31, 2016. Consumers may participate by submitting an entry online via the promotional website. Two entrants from the entry pool that includes Pennsylvania residents will be randomly selected to each receive a trip for two to Louisville, Kentucky, including airfare, lodging for two nights, ground transportation, a tour of the Jim Beam Distillery, a VIP dining experience with Fred Noe, a check for $500.00, and a check for $2,000.00. The approximate retail value of the grand prize package is $6,665.00. No purchase is necessary to enter, and the promotion is open only to adults of legal drinking age.

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 and section 5.32(h) of the PLCB's Regulations, assuming alcoholic beverages are not included in the prize. 47 P.S. § 4-493(24), 40 Pa. Code § 5.32(h).

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

_____ retail licensed premises.

_____ distributor licensed premises.

_____ both retail and distributor licensed premises.

_X_ the PLCB's wine and spirits stores, subject to approval of the Bureau of Product Management.

_X_ 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 of Marketing and Merchandising
Stacy Kriedeman, Director, Marketing Communications
Joseph Puhalla, Director, Bureau of Product Selection

LCB Advisory Opinion No. 16-172