

May 12, 2016

Deborah Rossi
9 Edith Court
Dayton, NJ 08810
VIA E-MAIL

RE: Heineken Sweepstakes & Instant Win

Dear Ms. Rossi:

ISSUE: This correspondence is in response to your e-mail and letter of April 30, 2016, in which you request legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania by your client, Heineken USA, Inc.

According to the official rules you provided, the “Heineken Sweepstakes & Instant Win” promotion is scheduled to run from June 1 through August 24, 2016. Consumers may participate by submitting an entry online via the promotional website. There will be one sweepstakes winner and 10,000 instant winners. The grand prize winner will receive a trip for two to a Live Nation concert including airfare, lodging for two nights, and a \$200.00 pre-paid cash card to use toward ground transportation. The approximate retail value of the grand prize package is \$2,400.00. The instant win game winners will each receive a coupon code redeemable for \$10.00 off the final ticket price of a Ticketmaster event. 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. 47 P.S. § 4-493(24), 40 Pa. Code § 5.32(h).

Therefore, it would be permissible to conduct this promotion in the Commonwealth in reference to the area 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

LCB Advisory Opinion No. 16-176