

June 15, 2016

Jim Heetmann
Promotion Mechanics, Inc.
87 South Main Street
Newtown, CT 06470
VIA E-MAIL

RE: Angry Orchard – Treehouse Masters Sweepstakes

Dear Mr. Heetmann:

ISSUE: This correspondence is in response to your e-mail and letter sent June 2, 2016, in which you seek legal review, on behalf of Angry Orchard Cider Company, LLC, to conduct the Treehouse Masters Sweepstakes promotion in Pennsylvania.

According to the official rules that you provided, the “Treehouse Masters Summer Sweepstakes” promotion is scheduled to run from June 6 through July 17, 2016. There are two methods of entry available in which an individual can enter the sweepstakes. The first method of entry is by visiting www.AnimalPlanet.com/Summersweeps and following the provided online instructions. The second method of entry is via text by texting “TREES” to 41411. Entrants are limited to entering the sweepstakes to once a day, regardless of the method of entry.

A grand prize and a second prize will be awarded from the sweepstakes. One entrant will be randomly selected to receive the grand prize of a trip for two to Angry Orchard’s Treehouse in New York, including airfare, lodging for three days, ground transportation, and \$500.00 in spending money. Alcoholic beverages are not included in the prize. The approximate retail value of the grand prize is \$4,000.00. The grand prize winner will be randomly selected from among all eligible entries on or about July 18, 2016. Sixty second prize winners will be randomly selected on a regional basis from among all eligible entries received in each particular region and will receive one Angry Orchard Bar Stool. The approximate retail value of each bar stool is \$86.00. The promotion is open only to adults of legal drinking age and no purchase is necessary to enter.

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 (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 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), so 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, although you indicate that no point-of-sale ("POS") material will be used relative to this sweepstakes, please be advised that prior approval of malt or brewed beverages 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 Board's wine and 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 this 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 wine and spirit 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 of Marketing and Merchandising
Stacy Kriedeman, Director, Marketing Communications
Joseph Puhalla, Director, Bureau of Product Selection

LCB Advisory Opinion No. 16-218