

July 22, 2016

Charity Garner
Account Coordinator
Arrowhead Promotion & Fulfillment Co.
VIA E-MAIL

RE: UV # Vodka Salute to Heroes Sweepstakes

Dear Ms. Garner:

ISSUE: This correspondence is in response to your e-mail dated June 30, 2016, in which you seek legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “UV # Vodka Salute to Heroes” sweepstakes promotion was scheduled to begin on July 1, and runs until July 31, 2016. There are three entry methods available in which an individual can enter the sweepstakes. To enter the sweepstakes via Facebook, an entrant must click on the “Photo Sweepstakes” tab on the Sponsor’s page and complete the online entry form and upload a photo of him/herself. To enter the sweepstakes via Twitter, the entrant must “tweet” a photo with the hashtags “#SaluteToHeroes and #Sweepstakes.” An entrant’s Twitter account must also be public to be considered for the sweepstakes. Finally, to enter the sweepstakes via Instagram, entrants must post a photo with the hashtags “#SaluteToHeroes and #Sweepstakes.” An entrant’s Instagram account must be public to be considered for the sweepstakes. An entrant may submit as many entries as he or she desires, but each entry must be substantially different from any other entry he or she has previously submitted.

There will be four weekly drawings and one grand prize drawing. Each week, five entrants will be randomly selected to receive a Mason jar, with each jar having an approximate retail value of \$20.00. An additional five entrants will be randomly selected each week to receive a Lee Brice hat, with each hat having an approximate retail value of \$25.00. One entrant will be randomly selected on the final week to receive the grand prize of a trip for two to a Lee Brice concert at a venue of their choice, including airfare, lodging for three days, approximately \$250.00 of spending

money, and two tickets to the Lee Brice concert. The approximate retail value for the grand prize is \$2,550.00. 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, 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 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, 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 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, it would be permissible to conduct the sweepstakes 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
Charles Mooney, Chief Operating Officer
Dale Horst, Director of Marketing and Merchandising
Stacy Kriedeman, Director, Marketing Communications
Joseph Puhalla, Director, Bureau of Product Selection

LCB Advisory Opinion No. 16-263