

July 26, 2016

Lauren Jobmann
Associate Project Manager
Avid Marketing Group
100 Corporate Place
Suite 200
Rocky Hill, CT 06067
VIA E-MAIL

RE: Jägermeister® Halloween Sweepstakes

Dear Ms. Jobmann:

ISSUE: This correspondence is in response to your e-mail sent July 11, 2016, in which you seek legal review, on behalf of Sidney Frank, of a sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “Jägermeister® Halloween” sweepstakes promotion is scheduled to begin on September 1, and runs until October 31, 2016. Entrants may enter the sweepstakes via the Shazam® application (“app”) or by mail. To enter the sweepstakes via the Shazam® app, entrants must use their mobile phone to scan the Jägermeister logo and follow the instructions prompted on the screen, including entry of full name, date of birth, email address, and residency. To enter the sweepstakes via mail, entrants must print the required information and the words “Jägermeister Halloween Sweepstakes- SID26509” on a 3” by 5” card and mail it to the designated P.O. Box.

Two entrants will be randomly selected each week, for a period of eight weeks, to receive the grand prize of one shotmeister, one shotski with an assortment of cups and glasses, and one shirt. The approximate retail value of each grand prize is \$400.00 and does not contain alcoholic beverages. The promotion is only open 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, a manufacturer's representative, or a 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 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), and is acceptable for use in this Commonwealth.

Therefore, it is permissible to conduct the proposed 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 Fine Wine and Good Spirits 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

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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,

A handwritten signature in cursive script that reads "Rodrigo J. Diaz".

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. 16-268