

July 28, 2016

Samantha Molodetz
Account Coordinator
Avid Marketing Group
100 Corporate Place
Suite 200
Rocky Hill, CT 06067
VIA E-MAIL

RE: Yuengling #GameDayLager and #USALager Sweepstakes

Dear Ms. Molodetz:

ISSUE: This correspondence is in response to your e-mail sent July 13, 2016, in which you seek legal review, on behalf of D.G. Yuengling & Son, of two sweepstakes promotions to be conducted in Pennsylvania.

According to the official rules you provided, the “#GameDayLager” sweepstakes promotion is scheduled to begin on August 1, 2016, and runs until January 10, 2017. To enter the sweepstakes, entrants must submit a photograph of his or her “Lager and home team pride” using the entry form, which can be found on www.yuengling.com/Football, the D.G. Yuengling & Sons, Inc. Facebook page, or on Instagram or Twitter. Application submissions through Instagram or Twitter must use the “hashtag” #GameDayLager and #Sweepstakes to be entered into the sweepstakes. Entrants may also submit a 3” by 5” card with the required information to the designated P.O. Box.

One entrant will be randomly selected to receive the grand prize of a Yuengling Tailgate package. The approximate retail value of the grand prize is \$850.00. An additional twenty-five entrants will be randomly selected to receive the second place prize of a \$25.00 Yuengling Merchandise Gift Card. Alcoholic beverages are not included in any of the prizes. The promotion is only open to adults of legal drinking age and no purchase is necessary to enter.

With regard to the official rules for the “#USALager” sweepstakes promotion, the promotion is scheduled to begin on August 5, and runs until August 21, 2016. To

enter the sweepstakes, entrants must submit a photograph of his or her “Lager and USA pride” using the entry form, which can be found on www.yuengling.com/USA, the D.G. Yuengling & Sons, Inc. Facebook page, or on Instagram or Twitter. Application submissions through Instagram or Twitter must use the “hashtag” #USALager and #Sweepstakes to be entered into the sweepstakes. Entrants may also submit a 3” by 5” card with the required information to the designated P.O. Box.

One entrant will be randomly selected to receive the grand prize of a Yuengling GoPro. The approximate retail value of the grand prize is \$240.00. An additional fifty entrants will be selected to the second place prize of a Yuengling t-shirt. The approximate retail value for each Yuengling t-shirt is \$6.70. Alcoholic beverages are not included in either of the prizes. The promotion is only open to adults of legal drinking age of certain states, including Pennsylvania, 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 promotions and determined that both promotions comport 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.

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- 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 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. 16-273