

August 9, 2016

Ryan M. Martin, Esquire  
Winston & Strawn, LLP  
35 W. Wacker Drive  
Chicago, IL 60601-9703  
**VIA E-MAIL**

**RE: The World Series with Evan Williams Bourbon Sweepstakes**

Dear Mr. Martin:

ISSUE: This correspondence is in response to your e-mail dated June 27, 2016, in which you seek legal review, on behalf of Heaven Hill Brands, of a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “World Series with Evan Williams Bourbon” sweepstakes promotion is scheduled to begin on August 15 and runs until October 14, 2016. To enter the sweepstakes, entrants must visit [www.EvanWilliams.com/WorldSeriesSweeps](http://www.EvanWilliams.com/WorldSeriesSweeps) to complete the online entry form. Entrants may receive one additional bonus entry by watching a thirty second Major League Baseball-themed video commercial on the website.

One entrant will be randomly selected to receive the grand prize of a trip for four to the 2016 World Series, including airfare, lodging for two days, four \$100.00 [www.MLBShop.com](http://www.MLBShop.com) online gift codes, and a \$350.00 MasterCard® Prepaid card for incidentals. The approximate retail value of the grand prize is \$4,999.00. The sweepstakes 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.

The official rules you have provided do not indicate whether alcoholic beverages are part of the grand prize, but 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 PLCB's Fine Wine and Good 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, subject to the limitations set forth above, it would be permissible to conduct this 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).

X 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. 16-288