

August 29, 2016

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

RE: Goldroom Incognito Sweepstakes and Ticket Contest

Dear Ms. Garner:

ISSUE: This correspondence is in response to your e-mails of August 12, 2016, in which you request legal review, on behalf of Bacardi U.S.A., Inc., of a pair of proposed promotions to be conducted in Pennsylvania.

According to the official rules you provided, the first promotion, the “BACARDI x Goldroom Merch Sweepstakes” has already begun and ends on September 30, 2016. Consumers may participate online by completing the entry form on the promotional website. Fifty entrants will be randomly selected to each receive a Goldroom tote bag and a signed Goldroom vinyl. The approximate retail value of each prize package is \$42.00. The promotion is open only to adults of legal drinking age, and no purchase is necessary to enter.

The second promotion, the “BACARDI x Goldroom Incognito Tickets Contest” began on August 23 and ends on September 8, 2016, or when all prizes have been awarded. Consumers may participate online by visiting the promotional website and finding one of ten “hidden tickets.” Each of the ten winners will receive a pair of VIP tickets to a Goldroom concert. The approximate retail value of each prize package is \$100.00. 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 years of age or older.
- iii. Retail licensed premises may only be involved as pick-up or drop-off
- iv. points for entry forms and not for the conducting of drawings or the awarding of prizes.
- v. Alcoholic beverages may not be part of the prize.

40 Pa. Code § 5.32(h).

This office has reviewed the promotion and determined that it comports with applicable liquor laws and regulations, specifically section 493(24)(i) of the Liquor Code and section 5.32(h) of the PLCB's Regulations. 47 P.S. § 4-493(24)(i); 40 Pa. Code § 5.32(h).

Therefore, 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.
- 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