September 13, 2016

Scott A. Schleifstein, Esq.
Cohen Silverman Rowan LLP
360 Lexington Avenue, 16th Floor
New York, NY 10017
VIA E-MAIL

RE: Zacapa Rum 2016 National Rum Day Giveaway Sweepstakes

Dear Mr. Schleifstein:

ISSUE: This correspondence is in response to your e-mail and letter sent August 9, 2016, in which you seek legal review of a sweepstakes promotion that Diageo Americas, Inc., wanted to make available in Pennsylvania, the "Zacapa Rum 2016 National Rum Day Giveaway Sweepstakes."

According to the "Official Rules" that you provided, the sweepstakes was scheduled to occur on August 16, 2016, between 8:00 a.m. and 11:59 p.m. ET. In order to enter the sweepstakes, interested individuals had to "follow" the official Ron Zacapa Rum Twitter page, @ZacapaRum (https://twitter.com/zacaparum), and then retweet the prescribed Ron Zacapa Twitter message along with the hashtag #Giveaway. There was a limit of one entry per person.

Five grand prizes were to be awarded for the sweepstakes. The winners were to be selected in a random drawing on or about August 17, 2016. Each grand prize winner was to receive a set of two Ron Zacapa perfect serve glass tumblers, having an approximate retail value of $20.00.

The sweepstakes was open only to legal residents of the contiguous forty-eight United States or Washington, D.C., who were at least twenty-one years of age. No purchase was necessary to enter or win the sweepstakes.

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 as described above 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).

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, it was 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.

_X_ the PLCB's Fine Wine and Good Spirits 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. 16-349