

September 15, 2016

Patty Voight
Marketing Coordinator
Breakthru Beverage Group
129 Hartman Road
North Wales, PA 19454
VIA E-MAIL

RE: Remy Martin Master Your Passion Sweepstakes

Dear Ms. Voight:

ISSUE: This correspondence is in response to your e-mail sent August 29, 2016, in which you seek legal review of a sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “Master Your Passion” sweepstakes promotion is scheduled to begin on November 29 and runs until January 1, 2017. To enter the sweepstakes, consumers must text “PASSION” to 79936, and submit the required information. There is a limit of one entry per person during the entry period.

One entrant will be randomly selected to receive one of four grand prizes of their choice. The winner may choose from: “shadowing” the Power 99 station program director for a day, a weekend stay at a “casino in the Poconos,” including a “dining and entertainment package,” a weekend ski package to a Pennsylvania mountain resort, including lodging and ski passes, or a cooking class in Pennsylvania, including dinner for two at a Stephen Starr Restaurant in Philadelphia. 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, so long as alcoholic beverages are not awarded in any of the four prize packages.

The official rules you have provided do not indicate whether alcoholic beverages are part of the grand prize or will be provided both distilleries, 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 retail licensed premises. 47 P.S. § 4-493(20)(i).

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.

- 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. 16-352