

September 21, 2016

Mary Rait
Manager of Regulatory Compliance
929 N. Russell Street
Portland, OR 97227
VIA E-MAIL

RE: Win a Kitchen Upgrade for the Holidays Sweepstakes

Dear Ms. Rait:

ISSUE: This correspondence is in response to your e-mail sent September 13, 2016, in which you seek legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “Win a Kitchen Upgrade for the Holidays” sweepstakes promotion is scheduled to begin on September 26 and run until December 31, 2016. Consumers may enter the sweepstakes online, by mail, or via text message. To enter the sweepstakes online, consumers must go to www.omissionupgradesweeps.com to fill out the required entry form. To enter the sweepstakes by mail, consumers must fill out a 3” by 5” index card with the required information and mail to the designated address. To enter the sweepstakes via text message, consumers must text “UPGRADE” to 66555 and follow the required instructions to submit an entry.

One entrant will be randomly selected to receive a \$1,000.00 gift card towards a “kitchen upgrade.” The sweepstakes is open to legal residents who are at least twenty-one years of age at the time of entry and no purchase is necessary to enter the contest.

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 proposed 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).

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.

Therefore, it is permissible to conduct the proposed contest 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 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

Mary Rait
September 21, 2016
Page 3

POLICIES ON WHICH THIS OPINION IS BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE PENNSYLVANIA LIQUOR CONTROL BOARD.

Sincerely,

A handwritten signature in cursive script that reads "Rodrigo J. Diaz".

RODRIGO J. DIAZ
CHIEF COUNSEL

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement

LCB Advisory Opinion No. 16-379