

October 5, 2016

Samantha Molodetz
Account Coordinator
Avid Marketing Group
100 Corporate Place
Suite 200
Rocky Hill, CT 06067
VIA E-MAIL

RE: Yuengling #LagerTraditions Sweepstakes

Dear Ms. Molodetz:

ISSUE: This correspondence is in response to your e-mail sent September 20, 2016, in which you seek legal review, on behalf of D.G. Yuengling & Son, of a sweepstakes promotions to be conducted in Pennsylvania.

According to the official rules you provided, the “#LagerTraditions” sweepstakes promotion is scheduled to begin on November 1, 2016, and run until December 31, 2016. There are several methods of entry in which consumers may enter the sweepstakes. To enter the sweepstakes online, consumer may either submit a “holiday celebration photograph incorporating Yuengling Traditional Lager” to www.yuengling.com/Traditions and fill out the required entry form, post the photograph on the D.G. Yuengling and Sons, Inc. Facebook page, or post the photograph on Twitter or Instagram with the “hashtags” #LagerTraditions and #Sweepstakes. Entrants may also submit a 3” by 5” card with the required information to the designated P.O. Box. One entrant will be randomly selected to receive the grand prize of a \$500.00 Yuengling Merchandise Gift Card. An additional twenty-five second prize winners will receive a Yuengling Mug Gift Set. The approximate retail value of each gift set is \$26.50. Alcoholic beverages are not included in any of the prizes. The promotion is only open to adults of legal drinking age in select states, including Pennsylvania, 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 promotions and determined that both promotions comport 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.

Please be advised that to the extent D.G. Yuengling & Sons, Inc. will use the winner's photograph for advertisement purposes, the photograph must satisfy the advertisement requirements articulated in section 498 of the Liquor Code, 47 P.S. § 4-498, and Advisory Notice No. 15 (4th Revision). Advisory Notice No. 15 can be obtained through the PLCB's website by selecting the "Legal" tab and further selecting "Advisory Notices."

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.
- the PLCB's Fine Wine and Good Spirits stores, subject to approval of the Bureau of Product Selection (POS only).
- other – Internet, text messaging.

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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,

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
Dale Horst, Director, Marketing and Merchandising
Stacy Kriedeman, Director, Marketing Communications
Joseph Puhalla, Director, Bureau of Product Selection

LCB Advisory Opinion No. 16-399