

October 5, 2016

Scott A. Schleifstein, Esquire
Cohen Silverman Rowan, LLP
360 Lexington Avenue, 16th Floor
New York, NY 10017

VIA E-MAIL

RE: Bulleit Frontier Whiskey Lakefront Cocktail Kit Sweepstakes

Dear Mr. Schleifstein:

ISSUE: This correspondence is in response to your e-mail dated September 26, 2016, in which you seek legal review, on behalf of Diageo Americas, Inc., of a sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “Bulleit Frontier Whiskey Lakefront Cocktail Kit” sweepstakes promotion is scheduled to begin on October 5, and run until October 21, 2016. To enter the sweepstakes, consumers must go to <http://wandpdesign.com/pages/bulleitwhiskey> and submit the required information. Once the sweepstakes information is submitted, consumers will receive an email to confirm his/her entry. Consumers must confirm his/her entry via e-mail within an hour or he/she will not be entered into the sweepstakes.

Five entrants will be randomly selected to receive a “Bulleit Frontier Whiskey Lakefront cocktail kit, which includes a Bulleit Frontier Whiskey-branded bartender’s knife from W&P Design, two enamel mugs from W&P Design, a “jigger” from W&P Design, a \$150.00 gift card redeemable at Huckberry.com, a cinch tote from Topo Designs and Woolrich, a Buffalo Check wool blanket from Woolrich, and a “Barrel Aged” denim jacket in the form of a \$289.00 gift card from Noble Denim. The approximate retail value of each cocktail kit is \$691.00. Of the five entrants, one entrant will be selected to receive the grand prize of a Bulleit Whiskey-branded canoe and two Bulleit Frontier Whiskey-branded artisan paddles from Sanborn Canoe Co. The approximate retail value of the grand prize is \$3,510.00. Alcoholic beverages are not included in any of the prizes and no purchase

is necessary to enter the sweepstakes. The sweepstakes is only open to adults who are of legal drinking age in select states, including Pennsylvania.

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.

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. 16-400