

October 20, 2016

Charity Garner  
Account Coordinator  
Arrowhead Promotion & Fulfillment Co.  
**VIA E-MAIL**

**RE: Firestone Walker Brewery Vintage Cooler Sweepstakes**

Dear Ms. Garner:

ISSUE: This correspondence is in response to your e-mails of September 30, 2016, in which you request legal review of a pair of proposed promotions to be conducted in Pennsylvania.

According to the official rules you provided, the “Firestone Walker Brewery Text to Enter Vintage Cooler” sweepstakes promotions were scheduled to begin on October 1, and run until December 31, 2016. Consumers may enter both sweepstakes either via text or by mail. To enter the first sweepstake via text, consumers must text “FW45” to 24587. To enter the second sweepstake via text, consumers must text “FW51” to 24587. To enter either sweepstakes by mail, consumers must submit the required sweepstakes information to the designated P.O. Box. Five entrants from each sweepstakes promotion will be randomly selected to receive the grand prize of a “Vintage Cooler.” The approximate retail of each grand prize is \$50.00 and alcoholic beverages are not included in the prize. The sweepstakes is 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 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.
- iv. Points for entry forms and not for the conducting of drawings or the awarding of prizes.
- v. Alcoholic beverages may not be part of the prize.

40 Pa. Code § 5.32(h).

This office has reviewed the promotions and determined that they comport with applicable liquor laws and regulations, specifically section 493(24)(i) of the Liquor Code and section 5.32(h) of the PLCB's Regulations. 47 P.S. § 4-493(24)(i); 40 Pa. Code § 5.32(h).

Therefore, it would be permissible to conduct both promotions 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 spirit stores, subject to approval of the Bureau of Product Selection.
- 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. 16-412