

November 14, 2016

Karen L. Gabriele
Mark Anthony Services, Inc.
328 S. Jefferson Street
Chicago, IL 60661
VIA E-MAIL

RE: Cayman Jack® Go-Vember Sweepstakes

Dear Ms. Gabriele:

ISSUE: This correspondence is in response to your e-mail of October 28, 2016, in which you request legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania by American Vintage Beverages Inc.

According to the official rules you provided, the “Cayman Jack® Go-Vember Sweepstakes” is scheduled to run from November 1 through November 30, 2016. To enter the sweepstakes, consumers must go to <http://www.facebook.com/caymanjackmargarita> or <http://instagram.com/caymanjack> (@CaymanJack) and follow the on-screen instructions. One entrant will be randomly selected to receive the grand prize of one Travel Voucher from CI Azumano Travel in the amount of \$5,000.00, which may be used for a trip to a destination of their choice (or for other travel-related services sold by CI Azumano Travel; e.g., air tickets, cruises, vacation packages). The promotion is open only to adults of legal drinking age, and no purchase is necessary to participate. It is presumed that alcoholic beverages are not part of the prize package.

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 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.

Therefore, it would be permissible to conduct this 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 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 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
Dale Horst, Director of Marketing and Merchandising
Stacy Kriedeman, Director, Marketing Communications
Joseph Puhalla, Director, Bureau of Product Selection

LCB Advisory Opinion No. 16-455