

January 3, 2017

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

RE: Guinness Big Game Sweepstakes

Dear Mr. Schleifstein:

ISSUE: This correspondence is in response to your e-mail dated December 27, 2016, in which you seek legal review, on behalf of Diageo Beer Company USA, of a sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “Guinness Game Day” sweepstakes promotion is scheduled to begin on January 4, 2017, and run until February 10, 2017. Consumers may enter the sweepstakes by visiting www.guinnessblondebiggame.com and submitting the required sweepstakes information.

One entrant will be randomly selected to receive the grand prize of a “premium grill.” The approximate retail value of the grill is \$350.00. An additional fifty-one entrants will be randomly selected to receive the first prize of a Guinness Blonde-branded cooler. The approximate retail value of each cooler is \$168.00. Alcoholic beverages are not included in either prize and no purchase is necessary to enter the sweepstakes. The sweepstakes is only open to adults who are at least twenty-one years of age.

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).

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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.

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.

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

LCB Advisory Opinion No. 16-557