

January 12, 2017

Amanda Doerr  
Associate Project Manager  
Avid Marketing Group  
100 Corporate Place, Suite 200  
Rocky Hill, CT 06067  
**VIA E-MAIL**

**RE: Heineken USA What's Your Play 2017 Sweepstakes**

Dear Ms. Doerr:

ISSUE: This correspondence is in response to your e-mail sent December 22, 2016, in which you seek legal review, on behalf of Heineken USA Inc., of a sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the "Heineken USA What's Your Play" sweepstakes promotion is scheduled to begin on January 2, 2017, and run until February 5, 2017. There are twelve game entry periods and five separate weekly grand prize entry periods during the sweepstakes. There are three methods of entry in which a consumer may enter the sweepstakes. For the first method of entry, consumers must go to [www.whatsyourplay2017.com](http://www.whatsyourplay2017.com) and submit the required sweepstakes information. For the second method of entry, consumers may enter the sweepstakes via mobile rebate in which a person redeeming a "mobile rebate advertised by [s]ponsor" may enter the sweepstakes by selecting the "checkbox" on the rebate offer. Finally, through the third method of entry, consumers must follow "@WhatsYourPlay" handle on Twitter. During each football game, "@WhatsYourPlay" will tweet a sweepstakes related question once every quarter. Consumers must then respond to the question, tag "@WhatsYourPlay," and include the "#whatsyourplaysweeps" hashtag. Consumers must have a non-private Twitter account to enter the sweepstakes through this entry method. Consumers who use entry method one or two are only eligible to receive the weekly grand prize.

Approximately 145 entrants will be randomly selected to receive one of the "designated prize packages;" three entrants from "[g]ame [one]" will be randomly selected to receive a "tailgate kit;" three entrants from "[g]ame [two]" will be

randomly selected to receive a “grill kit;” three entrants from “[g]ame [three]” will be randomly selected to receive a “fan kit;” three entrants from “[g]ame [four]” will be randomly selected to receive an “event certificate;” three entrants from “[g]ame [five]” will be randomly selected to receive a “tailgate kit;” three entrants from “[g]ame [six]” will be randomly selected to receive a “grill kit;” three entrants from “[g]ame [seven]” will be randomly selected to receive a “fan kit;” three entrants from “[g]ame [eight]” will be randomly selected to receive an “event certificate;” three entrants from “[g]ame [nine]” will be randomly selected to receive a “tailgate kit;” seven entrants from “[g]ame [ten]” will be randomly selected to receive a “grill kit;” three entrants from “[g]ame [eleven]” will be randomly selected to receive a “fan kit;” and three entrants from “[g]ame twelve” will be randomly selected to receive an “event certificate.” An additional five entrants, during the five-week game period will be randomly selected to receive the grand prize of a \$1,000.00 gift card and a “fan kit.” The approximate retail value of all prizes is \$52,256.39. The prizes do not include alcoholic beverages 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 at the time of entry.

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.

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.

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.

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. 16-574