

January 18, 2017

Jim Heetman  
Promotion Mechanics, Inc.  
87 South Main Street  
Newtown, CT 06470  
**VIA E-MAIL**

**RE: Angry Orchard Treehouse Masters Sweepstakes**

Dear Mr. Heetman:

ISSUE: This correspondence is in response to your e-mail dated January 6, 2017, in which you request legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania by Discovery Communications, LLC and The Boston Beer Company, (collectively, “Sponsor”).

According to the official rules you provided, the “Angry Orchard Treehouse Masters Sweepstakes” promotion is scheduled to run from February 1, 2017 to March 31, 2017. Consumers may enter the sweepstakes in two ways. A consumer may complete and submit an official entry at [AnimalPlanet.com/OrchardSweeps](http://AnimalPlanet.com/OrchardSweeps) or enter via text message by sending the key word “TREES” to 41411 and following the instructions contained in the reply text messages.

One grand prize winner and five guests will receive a trip to Angry Orchard’s Treehouse in New York. The prize will include round-trip airfare, two nights of hotel accommodations, use of a rental car, and \$1,000.00 in spending money. It may also include a meet and greet with Pete Nelson, subject to Mr. Nelson’s availability. The approximate retail value of the prize is \$7,200.00. Five second place winners will receive one hanging treehouse seat with an approximate retail value of \$145.00. One thousand third place winners will receive an Angry Orchard bandanna with an approximate retail value of \$2.00. The winners will be selected in a random drawing performed by an independent third party judging agency on or about April 3, 2017.

The sweepstakes is open only to legal residents of the United States and the District of Columbia who are at least twenty-one years of age at the time of entry. No purchase is necessary to enter or win the sweepstakes. No alcoholic beverages are included in the prize.

OPINION: Section 5.32(h) of the Pennsylvania Liquor Control Board's ("PLCB") Regulations states that a manufacturer, manufacturer's representative, 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 as described above 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).

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 wine and 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. However, the requirement for prior approval of POS material intended for use in the PLCB's wine and 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 a retail licensed premises. 47 P.S. § 4-493(20)(i).

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,

A handwritten signature in cursive script that reads "Rodrigo J. Diaz".

RODRIGO J. DIAZ  
CHIEF COUNSEL

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement

LCB Advisory Opinion No. 17-001