

January 31, 2017

Charity Garner
Account Coordinator
Arrowhead Promotion and Fulfillment Company
VIA E-MAIL

RE: UV Vodka Flavor Challenge Sweepstakes

Dear Ms. Garner:

ISSUE: This correspondence is in response to your e-mail dated January 18, 2017, in which you request legal review of a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “UV Vodka Flavor Challenge Sweepstakes” promotion is scheduled to run from March 1, 2017 to April 7, 2017. Consumers may enter the sweepstakes one of three ways. First, a consumer may enter by texting the word “FLAVOR” to 24587 and following the link to the designated website to fill out an entry form with their name, e-mail address and date of birth. A second entry method allows a consumer to visit the designated website and complete the entry form. The third method of entry allows a consumer to visit the UV Vodka Facebook or Instagram page and “comment” on the sweepstakes post. There is a limit of one entry per person, per calendar week, regardless of the method of entry.

Five grand prize winners will receive a television with an approximate retail value of \$599.00 each. Ten first prize winners will receive two regular season 2017 NCAA basketball tickets with an approximate retail value of \$360.00 each. One hundred fifty second prize winners will receive UV branded pint glasses with an approximate retail value of \$10.00. Finally, four hundred and one third prize winners will receive UV swage with an approximate retail value of \$5.00. Winners will be selected in accordance with the scheduling chart set forth in the official rules.

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. The official rules indicate that 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), 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 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,



RODRIGO J. DIAZ
CHIEF COUNSEL

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement

LCB Advisory Opinion No. 17-010