

February 2, 2017

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

RE: Harp Golf Sweepstakes Promotion

Dear Mr. Schleifstein:

ISSUE: This correspondence is in response to your e-mail sent January 23, 2017, in which you seek legal review, on behalf of Diageo Beer Company USA of a proposed sweepstakes to be conducted in Pennsylvania.

According to the official rules you provided, the “Harp Golf” sweepstakes promotion is scheduled to begin on February 1, and run until June 30, 2017. To enter the sweepstakes, consumers must text the word “HARP” to 55755. Consumers will then be prompted to submit the required sweepstakes information. Consumers may also enter the sweepstakes by visiting www.HarpGolfSweeps.com and submitting the required information. There is a limit of one entry per person.

One entrant will be randomly selected to receive the grand prize of a trip for four to Orlando, Florida, including airfare, lodging for three days, one round of golf at an Orlando golf course, a \$1,000.00 gift card to use towards trip expenses, and a “meet and greet” opportunity with professional golfer Graeme McDowell. The approximate retail value of the grand prize is \$5,400.00. An additional ten entrants will be randomly selected to receive the first place prize of Graeme McDowell’s GMAC Apparel golf gear, which may include a hat, gold shirt, or “other golf related apparel.” The approximate retail value of each prize is \$300.00. Alcoholic beverages are not included in either prize package and no purchase is necessary to enter. 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, 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 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).

Furthermore, please be advised that prior approval of malt or brewed beverages POS material and retail licensed premises POS material is no longer required.

Therefore, it is permissible to conduct the proposed contest in the Commonwealth in reference to the areas checked below:

- retail licensed premises.
- distributor licensed premises.
- both retail and distributor licensed premises (POS only).
- 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

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Page 3

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. 17-011