

February 7, 2017

Samantha Molodetz
Account Coordinator
Avid Marketing Group
100 Corporate Place
Suite 200
Rocky Hill, CT 06067
VIA E-MAIL

RE: Yuengling Courtside Sweepstakes Promotion

Dear Ms. Molodetz:

ISSUE: This correspondence is in response to your e-mail sent January 24, 2017, in which you seek legal review, on behalf of D.G. Yuengling & Son, Inc., of a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “Yuengling Courtside” sweepstakes promotion is scheduled to begin on February 27, and run until April 3, 2017. There are two methods of entry in which consumers may enter the sweepstakes. For the first method of entry, consumers must text the word “HOOPS” to 55755. Consumers will then be prompted to submit the required sweepstakes information. For the second method of entry, consumers must go to www.yuenglingcourtsidesweeps.com and fill out the required sweepstakes information.

One entrant will be randomly selected to receive the grand prize of a “Courtside Prize Pack,” which includes a “large grizzly cooler,” an Under Armour backpack, and an Under Armour basketball. The approximate retail value of the grand prize is \$285.00 and does not include alcoholic beverages. The promotion is only available to adults who are at least twenty-one years of age in select states, including Pennsylvania, and no purchase is necessary to enter.

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.

Please be advised that to the extent D.G. Yuengling & Sons, Inc. will use the winner's photograph for advertisement purposes, the photograph must satisfy the advertisement requirements articulated in section 498 of the Liquor Code. 47 P.S. § 4-498.

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

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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. 17-018