

February 17, 2017

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

**RE: Crabbie's Spring BBQ Sweepstakes**

Dear Ms. Molodetz:

ISSUE: This correspondence is in response to your e-mail of February 6, 2017, in which you request legal review, on behalf of St. Killian Importing Co., of a proposed sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the "Crabbie's Spring BBQ" sweepstakes promotion is scheduled to begin on March 1, and run until May 31, 2017. To enter the sweepstakes, consumers must visit [www.CrabbiesBBQ.com](http://www.CrabbiesBBQ.com) to submit the required sweepstakes information. Alternatively, consumers may send an e-mail with his/her date of birth, state of residence, name, address, and phone number to [promotionalsweepstakes@avidinc.com](mailto:promotionalsweepstakes@avidinc.com), with the subject line "Crabbie's BBQ Sweeps." There is a limit of one entry per person.

Three entrants will be randomly selected to receive the grand prize of a Summer Kick-off BBQ Set, which includes a Crabbie's-branded BBQ grill, a Crabbie's-branded cooler, and a Crabbie's-branded BBQ tool set, and a \$200.00 Visa gift card. The approximate retail value of each grand prize is \$800.00 and does not include alcoholic beverages. The sweepstakes is only open to adults who are at least twenty-one years of age 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 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 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 materials 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).

Therefore, it would be permissible to conduct this 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.

**THIS OPINION APPLIES ONLY TO THE FACTUAL SITUATION DESCRIBED HEREIN AND DOES NOT INSULATE THE LICENSEE OR OTHERS FROM**

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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. 17-024