

December 12, 2018

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

**RE: Yuengling® 190<sup>th</sup> Anniversary Sweepstakes**

Dear Ms. Zhitnitsky:

ISSUE: This correspondence is in response to your e-mail of November 14, 2018, in which you request legal review of a sweepstakes promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “Yuengling® 190<sup>th</sup> Anniversary Sweepstakes” promotion was scheduled to begin on December 1, 2018 and runs until April 30, 2019. In a follow-up e-mail dated November 20, 2018 you notified this office that the sweepstakes was extended to June 30, 2019. To participate in the sweepstakes, interested individuals may mail a 3” by 5” card before April 9, 2019, with the entrant’s name, address, date of birth, and “Yuengling 190<sup>th</sup> Anniversary Code Request” to the address provided to receive a sweepstakes code via return mail to be entered into the sweepstakes website, [www.GoodTimesWithYuengling.com](http://www.GoodTimesWithYuengling.com).<sup>1</sup> Starting April 10, 2019, interested individuals may send an e-mail to [support@goodtimeswithyuengling.com](mailto:support@goodtimeswithyuengling.com) with the entrant’s name, address, date of birth, and the phrase “Yuengling 190<sup>th</sup> Anniversary Code Request” to receive a sweepstakes code to be entered into the sweepstakes website. Entrants are limited to one entry per person per each calendar day during the sweepstakes entry period.

One grand prize winner from all eligible states will be randomly selected to receive a prize of a \$1,000.00 Visa gift card. Twenty-one first prize winners from Alabama, New Jersey, and Pennsylvania will be randomly selected to receive a \$10.00 ATOM ticket

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<sup>1</sup>The official rules also discuss Instant Games, how to enter sweepstakes when purchasing Yuengling (Section 3), and other sweepstakes prizes only awarded to entrants in North Carolina. Given that these games and prizes are not applicable to Pennsylvania residents, they will not be discussed in this Advisory Opinion.

promo code. Twenty-one first prize winners from Alabama, New Jersey, and Pennsylvania will be randomly selected to receive a \$100.00 Stubhub® gift card. Twenty-six first prize winners from Alabama, New Jersey, and Pennsylvania will be randomly selected to receive a \$25.00 Uber® gift card. And finally, thirty-five first prize winners from Alabama, New Jersey, and Pennsylvania will be randomly selected to receive a \$10.00 Uber® gift card.

No purchase is necessary to enter the sweepstakes, and the sweepstakes is only open to adults who are at least twenty-one years of age at the time of entry. The official rules do not indicate whether alcohol is part of any prize.

OPINION: Section 5.32(h) of the Pennsylvania Liquor Control Board's ("PLCB") Regulations states that a manufacturer, manufacturer's representatives, 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 5.32(h) of the PLCB's Regulations, 40 Pa. Code § 5.32(h), as long as alcohol is not part of any prize.

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 Fine Wine & Good 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).

Therefore, as long as alcohol is not included in the prizes, 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 Fine Wine & 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 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. 18-441