

January 2, 2019

Katie Ford
Marketing Compliance Manager
Pernod Ricard USA, LLC
VIA E-MAIL

RE: Jameson Bring the Neighborhood Bar Home for the Holidays Sweepstakes

Dear Ms. Ford:

ISSUE: This correspondence is in response to your e-mail dated December 5, 2018, wherein you request legal review of a proposed promotion to be conducted in Pennsylvania.

According to the official rules you provided, the “Jameson Bring the Neighborhood Bar Home for the Holidays Sweepstakes” promotion was scheduled to begin on December 10, 2018 and runs until December 31, 2018. To enter the promotion, interested individuals may go to www.jamesonholidaysweeps.com to complete and submit the online entry form. Alternatively, interested individuals may enter by “tagging” one friend who is twenty-one years of age or older in the comments section of the Instagram post about the sweepstakes on Jameson’s Instagram page @jameson_us. Additionally, interested individuals may follow the link on a sponsored Facebook advertisement to complete the online entry form. Entrants are limited to one entry per person.

Ten winners will be randomly selected to each receive a bar cart with Jameson-branded accessories. The total approximate retail value of all prizes is \$5,889.50. No purchase is necessary to enter, and the sweepstakes is open only to adults who are at least twenty-one years of age at the time of entry. The official rules state that alcohol will not be included in any 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 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
Dale Horst, Director, Marketing and Merchandising
Stacy Kriedeman, Director, Marketing Communications
Thomas Bowman, Director, Bureau of Product Selection

LCB Advisory Opinion No. 18-466