

January 17, 2019

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

RE: Yuengling 190th Social Sweepstakes

Dear Ms. Zhitnitsky:

ISSUE: This correspondence is in response to your e-mail of December 21, 2018, in which you request legal review of a sweepstakes promotion to be conducted in Pennsylvania. In a follow-up telephone conversation on January 4, 2019, you confirmed that this promotion is different from the Yuengling® 190th Anniversary Sweepstakes you submitted for review on November 14, 2018.

According to the official rules you provided, the “Yuengling 190th Social Sweepstakes” promotion was scheduled to begin on January 1, 2019 and runs until April 18, 2019. To participate in the sweepstakes, interested individuals may post an original photo or video displaying how to have “Good Times with Yuengling” to Instagram, Twitter, or D.G. Yuengling & Son, Inc.’s Official Facebook page using the hashtag #YuenglingGoodTimes. Alternatively, interested individuals may send an e-mail with their name, phone number, and the subject line #YuenglingGoodTimes to the e-mail address provided in the official rules. Entrants are limited to one entry per person. The rules state that the photo/video cannot show the consumption of alcohol, or anyone who appears to be under the age of twenty-one years of age, as well as several other requirements.

Ten grand prize winners will be randomly selected to receive a \$50.00 Uber gift card, a \$50.00 Stub Hub gift card, a \$50.00 ATOM tickets gift card, and a \$50.00 UberEats gift card. The total approximate retail value of all prizes is \$2,000.00. 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).

X 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. 18-498