

February 2, 1999

Jerry Buchanan  
Manager, Regulatory Affairs  
JIM BEAM BRANDS CO.  
510 Lake Cook Road  
Deerfield, IL 60015-4964

**RE: Jim Beam's Back Room Band Search Rock 1999**

Dear Mr. Buchanan:

**ISSUE:** This is in response to your inquiry of January 12, 1999 regarding a contest promotion for amateur bands. Band members, 21 years of age or older, would enter by calling a radio station co-sponsor to obtain an entry form and official contest rules or by requesting the information in writing. The amateur bands would be required to submit a tape of original rock music compositions whereupon participating radio stations in five markets would select ten entries. Track Marketing Company (Track), your agent for organizing and executing the contest, would then select five bands from each market.

The five selected bands would perform at retail licensed premises before a panel of judges. One winner from each market would participate in the national finals in Chicago. Print and radio announcements would mention Jim Beam as the sponsor and would mention the participating retail premises where legal.

Prizes valued at approximately \$3,000 would be awarded to the five finalists. The grand-prize winner would receive recording opportunities valued at approximately \$10,000.

**OPINION:** Liquor Control Board Regulations generally prohibit events, tournaments or contests; however, there exist specific exceptions to this prohibition. [40 Pa. Code §5.32(e)(g)]. These exceptions include events, tournaments or contests sponsored by the State Athletic Commission, charitable organizations operated in accordance with the Solicitation of Funds for Charitable Purposes Act [10 P.S. §§162.1-162.24] and governing bodies of golf, tennis, skiing, pocket billiards and bowling. Retail licensees may also conduct self-sponsored (paid for and carried out by the licensee) events, tournaments and contests. Unfortunately, you do not fall within any of the aforementioned exceptions; therefore, neither Jim Beam Brands Co. nor Track Marketing Company could sponsor or conduct the contests you propose at retail licensed premises in Pennsylvania.

Jerry Buchanan  
February 2, 1999  
Page Two

The Board's regulations further prohibit cooperative advertising between a producer, manufacturer, bottler, importer or wholesaler and a retailer of distilled spirits. [40 Pa. Code §13.14]. This would preclude Jim Beam from mentioning retail licensed premises in advertising regardless of the retailer's involvement in the conduct of events, tournaments or contests.

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.

Very truly yours,

FAITH S. DIEHL  
CHIEF COUNSEL

cc: Pennsylvania State Police-  
Bureau of Liquor Control Enforcement

Refer to: (717) 783-9454  
FAX: (717) 787-8820

LCB Advisory Opinion No. 99-033