

July 28, 1999

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Caroline C. Murphy
Manager, Legal Services
Ryan Partnership
55 Post Road West
Westport, CT 06880

RE: Heineken Lifestyle Sweepstakes

Dear Ms. Murphy:

ISSUE: This is in response to your inquiry of July 8, 1999 to this office in which you request an opinion as to the legality of conducting certain activities in Pennsylvania as described in the enclosed correspondence.

OPINION: This office has reviewed the proposed promotion (and accompanying point-of-sale materials) and determined that it comports with applicable liquor laws and regulations, specifically sections 493(20)(i) and 493(24) of the Liquor Code [47 P.S. Sections 4-493(20)(i) and 4-493(24)]. Therefore, it is permissible to conduct such event(s) in the Commonwealth on the areas checked below:

- retail licensed premises (restaurants, hotels, clubs, retail dispensers).
- distributor licensed premises.
- both retail and distributor licensed premises.
- wine and spirits shoppes, subject to approval of the Bureau of Logistics.
- other. The proposed promotion may be conducted on retail licensee premises provided that Heineken permits entries to the sweepstakes from consumers regardless whether an applicant "[n]ame[s] one of the four cities sky visits in June:". [40 Pa. Code Sections 5.30 and 5.32(e)].

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: Bureau of Liquor Control Enforcement,
Pennsylvania State Police

LCB Advisory Opinion No. 99-277