

# RARE HIGH DEMAND PRODUCT DRAWING TERMS and CONDITIONS for Participation by Individual Retail Customers

## Definitions.

- "Application" means a form required by the Utah Department of Alcoholic Beverage Control which must be completed by a person and submitted to the Utah Department of Alcoholic Beverage Control in order to participate in a drawing for an opportunity to purchase a Rare High Demand product.
- "Rare High Demand Product" a product that is produced in limited quantities and is identified as a product in high demand.
- "Valid application" means an application:
  - for an opportunity to purchase a Rare High Demand product; and
  - containing sufficient information, as determined by the Utah Department of Alcoholic Beverage Control, to process the application including, but not limited to, personal information, store pick up location and product information.
- "Immediate family member" means an individual's spouse.

## General.

- This document sets terms and conditions for participating in a drawing for an opportunity to purchase a Rare High Demand product.
- For the purposes of the terms and conditions, "Opportunity to Purchase Rare High Demand Product" does not convey or entitle the entrant to receive any right or title to the product owned and/or offered for sale by the Utah Department of Alcoholic Beverage Control. Selection of entry only gives the entrant the opportunity to purchase the specific item from the Utah Department of Alcoholic Beverage Control, subject to the ordinary terms and conditions of sale of liquor.
- The DABC has the sole discretion to select what product codes or brands to make available for sale through a Rare High Demand product drawing. Products made available through a drawing will generally be products released in limited quantities and may include bourbons, tequilas, scotch, other small-batch spirits, wines or beers.
- All applicants agree to be fully unconditionally bound by these terms and conditions. In addition, the applicant agrees to accept the decisions of DABC as final and binding as it relates to the content of the terms and conditions.
- To be able to participate in a drawing for Rare High Demand Product, applicants must complete an application at [abc.utah.gov](http://abc.utah.gov).

## Applicant Restrictions.

- Only a Utah resident or active-duty members of the military assigned to a permanent duty station in Utah may apply for an opportunity to participate in a Rare High Demand product drawing.
- A person must be 21 or older at the time of entry to apply for the opportunity to purchase a Rare High Demand product.
- The opportunity to purchase a Rare High Demand product is non-transferable. If the customer selected for the opportunity to purchase a Rare High Demand product is not able to present themselves to purchase the product within the allowed amount of time (16 days) for any reason, then their right to purchase is forfeit.
- If selected for the opportunity to purchase a Rare High Demand product, residency, age and identity will be verified at the time of purchase.
- Approved forms of identification include a valid driver's license or photo identification card issued by the Utah Department of Motor Vehicles. Customers may also provide a U.S. passport that includes a full name and photo along with a utility bill featuring the same name as the identification and a Utah address. Members of the military may use an armed forces identification card and military orders for assignment to a permanent duty station in Utah to prove eligibility.
- Customers selected for the opportunity to purchase a Rare High Demand product who are unable to provide a valid form of identification as defined showing a Utah address or proof of Utah residency, proof of age and proof of identity will be unable to complete their purchase, and the bottle will be returned to warehouse inventory.
- Utah Department of Alcoholic Beverage Control employees, Department of Technology employees assigned to DABC and their immediate family members, are not eligible to apply for the opportunity to purchase a Rare High Demand product.

## Applications

- No fee will be charged for an applicant to participate in a drawing for an opportunity to purchase a Rare High Demand product.
- In order to participate in a drawing for an opportunity to purchase a Rare High Demand product, an application must be submitted through the Utah DABC website during the applicable entry period.
- A person who applies for an opportunity to purchase a Rare High Demand product must notify the Utah Department of Alcoholic Beverage Control of any change in residency, telephone number, and email address.
- By completing the application process, all applicants agree to allow the department to use the name used on the registration form (first name and the initial of your last name) to identify selected individuals who will be given the opportunity to purchase a Rare High Demand Product.

- The Utah Department of Alcoholic Beverage Control reserves the right at its sole discretion to disqualify any individual who tampered with any part of this process.
- The Utah Department of Alcoholic Beverage Control assumes no responsibility for any error, omission, interruption, deletion, defect and delay in operation or transmission, technical failures of any kind, including but not limited to the malfunction of any computer, website, cable, network, hardware or software; communications line failure or destruction affecting entries or for unauthorized access to or alteration of entries.
- The Utah Department of Alcoholic Beverage Control reserves the right at its sole discretion to cancel, terminate, modify or suspend the application and/or drawing process and distribute bottles in an equitable manner.

### **Opportunity to Purchase Rare High Demand Drawing Product.**

- A random drawing process will be used to select the individuals who will be given the opportunity to purchase an alcoholic product.
- Each drawing is open for 5 days unless otherwise noted. There is no advantage to entering the drawing as soon as it opens or at any other time. Everyone who enters during the 5 day period has an equal opportunity of being selected.
- Only one entry per individual customer will be accepted in a single drawing. Duplicate entries from the same individual customer shall be identified and removed. Any individual consumer who submits, or is suspected of submitting, multiple entries for the same product drawing may be disqualified. The DABC's decisions relative to such matters are final and non-appealable.
- In cases where multiple items are offered through a single drawing form, an applicant may enter for any or all products available on that particular drawing. However, the applicant will be limited to an opportunity to purchase only one Rare High Demand product within the same drawing.
- Prior to the start of the drawing process, each entry will be reviewed to confirm the eligibility of the entrant and entry. The DABC's decisions relative to such matters are final and non-appealable.

### **Drawing Results.**

- Entrants selected during the drawing process will be notified via email that the bottle(s) will be shipped to the store the customer selected on their application form. Once the selected store has received the bottle, Utah Department of Alcoholic Beverage Control staff will attempt to contact the customer via the phone number and/or email address provided on the application form. The DABC shall have no liability for a winner's failure to receive notices due to selectee's failure to check inbox, selectee's spam, junk email or other security settings or for selectee's provision of incorrect or otherwise non-functioning contact information.
- If a bottle remains unclaimed at the store after a period of 16 days, the DABC will allocate as seen fit.

- If a product is broken, damaged, or otherwise lost prior to the time of pick up –whether, by the supplier, shipping company or the DABC - no reimbursement or compensation will be offered. Additionally, the DABC is not responsible for and will not offer any compensation for any product breakage, damage, or loss that may occur after a winning entrant has taken possession of a product.
- Entrants not selected during the drawing will not be notified.

### **Rare High Demand Products Remaining After the Drawing.**

- If any inventory remains at the conclusion of a drawing and there are no eligible entries remaining, such inventory will be distributed to stores for general sale, or will otherwise be sold by the DABC in the manner it deems most appropriate based on operational needs.
- In the event that a Rare High Demand product that is subject to a drawing is distributed to DABC stores for distribution, restrictions that generally apply to the sale of Rare High Demand products will apply.

### **Limitation of Liability.**

- By entering the drawing, you agree to release and hold harmless the State of Utah and its employees, officers, directors, contracted advertising and promotion agencies, representatives, contracted sales agents, successors and assigns from any and all liability, illness, injury, death, loss, litigation, claim or damage that may occur, directly or indirectly, whether caused by negligence or not, from any circumstance, including:
  - Your participation in the drawing and/or your acceptance, possession, use or misuse of any Rare High Demand product purchased or any portion thereof;
  - technical failures of any kind, including but not limited to the malfunction of any computer, cable, network, hardware or software;
  - the unavailability or inaccessibility of any transmissions or telephone or Internet service;
  - unauthorized human intervention in any part of the entry process; and
  - an electronic or human error which may occur in the administration of the drawing or the processing of entries.