

PEPSI/TACO JOHN'S "DRINK IN THE MUSIC" GAME

OFFICIAL RULES

NO PURCHASE NECESSARY. GAME OPEN ONLY TO LEGAL RESIDENTS OF THE U.S. RESIDING IN THE 48 CONTIGUOUS UNITED STATES or D.C. GAME BEGINS NOVEMBER 9, 2009 AND ENDS JANUARY 4, 2010 OR WHEN THE SUPPLY OF SPECIALLY MARKED GAME PIECES EXHAUST, WHICHEVER OCCURS FIRST. VOID WHERE PROHIBITED.

1. **HOW TO PLAY:** Purchase one (1) medium (30 oz.) or large (40 oz.) Pepsi-Cola® fountain beverage and you will receive a game piece (referred to as "game piece" in these rules) affixed to specially-marked fountain cups. Participating brands may include any flavor/variety of Pepsi-Cola fountain beverage. Not all products and package sizes may participate in all areas.

No Purchase Necessary. To receive one (1) free game piece without purchase, send a self-addressed, stamped envelope postmarked no later than January 4, 2010 to be received by January 11, 2010 to Pepsi/Taco John's "Drink in the Music" Game Piece, P.O. Box 760005, El Paso, TX 88576-0005. Limit one (1) free game piece per request per stamped outer envelope. Residents of the state of VT may omit return postage. Pepsi-Cola Company ("Sponsor") assumes no liability for lost, late, stolen, illegible, misdirected, mutilated, incomplete or postage-due mail.

2. **INSTANT WIN PRIZES:** Look at game piece to see if it reveals a message indicating that you may have won one (1) of the following prizes (subject to verification in accordance with these Official Rules). You are not a winner if your game piece reveals "Please Play Again". Prize message on actual game piece may be abbreviated or may vary from the message stated below.

PRIZES: Six thousand two hundred and fifty (6,250) **First Prizes** will be awarded, each consisting of five (5) music downloads from eMusic. (eMusic codes are redeemable only on the U.S. eMusic online store. **Download codes have an expiration date. Please refer to your web confirmation, confirmation email, or download card for your code's expiration date.** Codes valid for 7 days once redeemed. Internet access and E-mail address entry required. Free MP3s subject to eMusic's Terms of Use. eMusic and the eMusic logo are registered trademarks of eMusic.com Inc. in the USA and other countries. All Rights Reserved. eMusic is not responsible for products, services or claims made by Taco John's International, Inc.) Actual retail value ("ARV"): \$5. Odds of winning a First Prize: 1 in 332*. Thirty four

thousand two hundred and thirty eight (34,238) **Second Prizes** will be awarded, each consisting of one (1) Taco John's Meat and Potato Burrito. ARV: \$3.19. Odds of winning a Second Prize: 1 in 61*. One hundred thirty six thousand nine hundred and fifty (136,950) **Third Prizes** will be awarded, each consisting of Taco John's Chips and Queso. ARV: \$1.99. Odds of winning a Third Prize: 1 in 15*. One hundred thirty six thousand nine hundred and fifty (136,950) **Fourth Prizes** will be awarded, each consisting of a medium (30 oz.) Pepsi-Cola® fountain beverage, any flavor. ARV: \$1.59. Odds of winning a Fourth Prize: 1 in 15*. Sixty eight thousand four hundred and seventy five (68,475) **Fifth Prizes** will be awarded, each consisting of a Taco John's Churro. ARV: \$1.15. Odds of winning a Fifth Prize: 1 in 30*. One hundred thirty six thousand nine hundred and fifty (136,950) **Sixth Prizes** will be awarded, each consisting of a Taco John's Crispy Taco. ARV: \$0.79. Odds of winning a Sixth Prize: 1 in 15*. One hundred seventy one thousand, one hundred and eighty-eight (171,188) **Seventh Prizes** will be awarded, each consisting of a Taco John's Cini-Sopapilla Bites. ARV: \$0.99. Odds of winning a Seventh Prize: 1 in 12*.

*Odds are based upon an estimated 2,073,000 game pieces produced; actual odds may vary depending upon the actual number of game pieces released into the marketplace.

3. **TO CLAIM FIRST PRIZE:** To claim First Prize, follow the special prize claim instructions printed on the potentially winning game piece necessary for proper redemption of the First Prize. Prize claim instructions will only be disclosed on the potentially winning game piece, and will not be disclosed through any other means. When following prize claim instructions, potential winner will be advised of a code ("Code") which the potential winner will need to enter on the website specified on the potentially winning game piece to redeem First Prize. Codes will expire 7/24/10. Once a code is entered on the website, winner will have seven (7) days to redeem music downloads.
4. **TO CLAIM SECOND, THIRD, FOURTH, FIFTH, SIXTH and SEVENTH PRIZES:** To claim Second, Third, Fourth, Fifth, Sixth or Seventh Prizes, bring your game piece on your next visit to a participating Taco John's location by February 15, 2010.
5. **ELIGIBILITY:** You must be a legal resident of the United States residing in the 48 contiguous United States or D.C. to be eligible to win. Employees of Taco John's International, Inc., Taco John's franchisees, Pepsi-Cola Company and its bottlers, and all of their respective parents, subsidiaries, divisions, affiliates, distributors, suppliers, and advertising, promotional or judging agencies (collectively, "Sponsor and Promotion Parties") and the immediate family members

of such employees and/or persons living within the same household as such employees are not eligible to win.

6. **GENERAL CONDITIONS:** Unclaimed prizes will not be awarded. No substitution of prize is offered, no transfer of prize to a third party is permitted and non-cash prizes may not be redeemed for cash value, except as determined by Sponsor in its sole discretion. Void wherever prohibited or restricted by law. Prize winner will be solely responsible for paying all applicable federal, state and local taxes on prizes; if applicable, winner may receive an IRS Form 1099 for the retail value of the prize. All participants agree to be bound by these Official Rules and the decisions of Sponsor and its authorized judging agencies (the "Judges") whose decisions in all aspects of this promotion shall be final and binding. You are not a winner until your potentially winning game piece has been timely received and verified by the Judges in accordance with these Official Rules, and you have fully complied with these Official Rules.
7. **VERIFICATION:** All submitted prize claims become the property of Sponsor and will not be returned. All potentially winning game pieces are subject to verification at the sole discretion of the Judges. Only specially marked Pepsi/Taco John's "Drink in the Music" game pieces distributed by Taco John's during the duration of the game will be accepted and may not be combined with those from any other game. Anti-fraud detection devices may be used to verify winners. Game pieces will be void if they fail to pass anti-fraud detection measures, or if found to be photocopied, reproduced, altered, forged, defaced, tampered with, mutilated, torn, stolen, unissued, unauthorized, traded, bartered, sold, illegitimately obtained or illegible in any way, or if disassembled, or if they fail to contain authorized special markings and/or security codes, or if defective or if they contain printing or other mechanical errors or are printed or produced in error. No prizes will be awarded to the holder of a void game piece and Sponsor's sole liability in respect thereof will be to replace the void game piece with another randomly selected piece if Sponsor deems appropriate. In no event will Sponsor be obligated to award more prizes than the number of prizes stated in these Official Rules. If for any reason Sponsor determines in its sole discretion that the promotion is no longer capable of running as intended by these rules for any reason whatsoever Sponsor may at its sole discretion cancel, suspend or modify the promotion in whole or in part. For example, if due to printing, production, mechanical or other error more prizes for a particular prize category are either made available and/or claimed than the number of prizes set forth in these Official Rules, then Sponsor may suspend prize awards for such prize category and award any remaining unclaimed prizes (up

to the total set forth in these rules) in a random drawing from among all eligible prize claimants for that prize category as determined by Sponsor.

8. **PROMOTION END:** Promotion is scheduled to end on the earlier of January 4, 2010 or when the supply of specially marked Pepsi/Taco John's "Drink in the Music" game pieces has been exhausted, whichever occurs first.
9. **WINNER NOTIFICATION:** Potential prize winners may be required to sign and return an Affidavit of Eligibility/Liability Release with (where lawful) a publicity release within seven (7) days of the date on the notification letter. If any required documents are not returned within the required number of days, or if any mail is returned to Sponsor as undeliverable without a forwarding address, then prize may be forfeited. Any portion of a prize not accepted by winner shall be forfeited. Prizes will only be delivered to addresses within the United States.
10. **RELEASE OF LIABILITY:** All winners, by acceptance of a prize, agree to release Sponsor and Promotion Parties from any and all liability, claims or actions of any kind whatsoever for injuries, damages or losses of any kind to persons and property which may be sustained in connection with the receipt, ownership or use of the prize or while preparing for and/or participating in and/or traveling to and/or from any prize-related activity, or any typographical or other error in the Official Rules or the offering and announcement of prizes. Sponsor makes no representations or warranties of any kind concerning the appearance, safety or performance of any prize. The winner shall bear all risk of loss or damage to prize after it has been delivered. Upon request, winner must consent (and confirm such consent in writing) to the use of his/her name, voice, picture or other likeness without compensation for promotional purposes in all media as determined by Sponsor, except for residents of TN and where prohibited by law.
11. **SPONSOR:** Pepsi-Cola Company, Purchase, NY 10577.

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