



Contest Rules

Official Rules:

The M.S. Hershey Foundation (“MSHF”) presents the “For the Birds Contest” (the “Contest”). MSHF reserves the right to discontinue the Contest at any time.

Eligibility:

The Contest is open to legal residents of the U.S. age 5 and older except employees of MSHF and Hershey Entertainment & Resorts Company (“HE&R”) employees who work at Hershey Gardens, Hershey Theatre, and/or The Hershey Story (“MSHF Properties”), or any advertising agencies or promotional suppliers participating in this Contest and the immediate families or household members of each. Except for the Youth Division, all entries must be the original idea and work of the entrant. **Entrants who are age 17 or younger must have a parent or legal guardian who is age 18 or older enter them into the contest.** Void wherever prohibited or restricted by law. Subject to all federal, state, and local laws. Although employees of MSHF and HE&R employees who work at MSHF Properties are not eligible to win prizes in this Contest, they are encouraged to submit birdhouses to showcase their talents.

Entry Fee:

The entry fee is \$25 per birdhouse, which includes one complimentary regular admission ticket to Hershey Gardens for the 2010 season.

Divisions:

Entries will be accepted in the following Divisions:

- Youth – ages 5 to 9 years – a parent or legal guardian can assist a youth entrant in building his/her birdhouse but the birdhouse must be decorated solely by the youth entrant.
- Junior – ages 10 to 17 years
- Adult – 18 years and over
- Business or Association – no contact information (phone number, website, address of business) can be included in the design of or decoration on the Business or Association birdhouse.

Categories:

Entries must be made in the following categories:

- **Functional** – Functional birdhouses must meet specific requirements (dimensions of house, size of opening holes, etc.) for the particular bird it is built for. It must be constructed of non-toxic materials that can withstand elements outdoors and may not be made of treated wood because treated wood is toxic to birds. Dimensions for houses for specific birds can be found below. Functional birdhouses must be durable, easily cleaned and have drainage holes. They may not include paint on the inside of the house. Those entering a birdhouse under the functional category may choose to make the house “occupiable” (to have birds occupy the birdhouse). If entrant chooses to not have birds occupy the birdhouse, the opening of the house must be closed. “Closed” birdhouses must still meet all requirements of a functional birdhouse (dimensions of house, size of opening holes, etc.). A functional birdhouse must be habitable to one of the following Pennsylvania birds:
 - [Wood Ducks](#)
 - [House Wrens](#)
 - [Carolina Wren](#)
 - [Purple Martin](#)
 - [Bluebird](#)
 - [Barn Owl](#)
- **Decorative/Whimsical** – Decorative / Whimsical birdhouses do not have to be functional (but they can be) and should be built and constructed of non-toxic materials that can withstand the outdoors. Treated wood is toxic to birds and will not be accepted. Entrants are limited only by the submission requirements set forth in these official rules and by the entrant’s imagination!
- **“Green”** – “Green” birdhouses must include recycled and/or natural materials. “Green” birdhouses can be functional or decorative and must be constructed of non-toxic materials that can withstand the outdoors. Treated wood is toxic and will not be accepted.

If a birdhouse meets the criteria of two or more categories, the entrant must select one category in which to enter it.

How to Enter:

- Visit Hershey Gardens website at www.hersheygardens.org between October 1, 2009 and March 27, 2010 and read the official Contest rules, print and complete the [Entry Form](#). Build a birdhouse in accordance with the submission requirement set forth in the Contest Rules.
- Submit the completed Entry Form, \$25.00 entry Fee, and the birdhouse to Hershey Gardens Gift Shop on Friday, March 26 through Sunday, April 11, 2010 between 10 a.m. EST and 3 p.m. EST. (“Submission Period”)
- All birdhouses must be labeled with entrant’s name, contact information and birdhouse category and division attached to the underside of the birdhouse.
- Any entry determined to be ineligible, and is disqualified by MSHF in its sole discretion, must be picked up by the entrant at the Hershey Gardens Gift Shop not more than seven (7) days after being notified by MSHF. Birdhouses not picked up within the seven (7) day period will be deemed abandoned and become the property of Hershey Gardens, to be used, donated or discarded at the discretion of Hershey Gardens.

Submission Requirements:

Each birdhouse that is entered into the Contest must meet ALL the submission requirements set forth below (any submission that, in the MSHF’s good faith judgment, violates the following criteria will be disqualified):

- The birdhouse must meet the criteria for the category for which it is entered.
- The birdhouse can be a traditional design or an original design.
- Entrants may purchase an unfinished birdhouse or build their own.
- Functional birdhouses should be the proper dimensions for the bird the entrant chooses to “house.”
- Decorative/Whimsical and “Green” birdhouses do not have to be of any certain dimension but must be able to be easily transported by one person.
- Entrants can make or decorate their birdhouse out of most materials. All birdhouses must be made of durable materials, adhesives and finishes that are non-toxic to birds and can withstand the outdoors.
- Treated wood is toxic and will not be accepted.
- Functional birdhouses may not include paint on the inside.
- Whether Functional, Decorative/Whimsical, or “Green,” the birdhouse must be a real birdhouse, “not a structure, such as a block of wood painted to look like a birdhouse.”
- Birdfeeders are not acceptable.
- Hershey Gardens will provide wooden posts or hooks for outdoor display. Birdhouses must be submitted with appropriate mounting or hanging hardware. Posts that are part of the birdhouse design may be submitted with the birdhouse entry.
- Except for the Youth Division, the birdhouse must be the original idea and work of the submitting entrant.
- The birdhouse cannot include statements or images that are obscene, pornographic, libelous, illegal, discriminative, disparaging of MSHF or Hershey Gardens, infringing of the rights of any third parties, or otherwise objectionable

Judging Criteria:

Functional birdhouses will be judged on:

- 20% Overall appearance
- 20% Creativity, originality, imaginative concept and execution
- 40% Precision and craftsmanship
- 20% Adherence to official Contest rules

Decorative/Whimsical birdhouses will be judged on:

- 20% Overall appearance
- 40% Creativity, originality, imaginative concept and execution
- 20% Precision and craftsmanship
- 20% Adherence to official Contest rules

“Green” birdhouses will be judged on:

- 20% Overall appearance
- 40% Creativity, originality, imaginative concept and execution
- 20% Precision and craftsmanship
- 20% Adherence to official Contest rules

Awards:

First, second and third place prizes will be awarded in each category, in each division:

1st place - \$100 cash, a one-year family membership to Hershey Gardens, plus:

Youth – Four-pack of regular one day admission tickets to Dutch Wonderland Family Entertainment Complex and (a one-year?) ZooAmerica Family Membership

Junior – Four-pack of regular one day admission tickets to Hersheypark Amusement Park.

Adult – One Falconry Experience

2nd place - \$75 cash and a one-year family membership to Hershey Gardens

3rd place - \$50 gift card to Hershey Gardens' Gift Shop

In addition, the following prizes will be awarded:

Best of Show – \$250 cash

First “Occupied” House (with a bird nesting in it, as solely noticed and determined by MSHF staff) – A one-year family membership to Hershey Gardens

People’s Choice (selected by visitors to the Gardens) – A one-year family membership to Hershey Gardens

Selection of Winner:

With the exception of the People’s Choice Award, all prizes will be awarded based on the decisions of a judging panel, which will be comprised of local community members with specific knowledge of the category that they are evaluating (“Judging Panel”). The Judging Panel will select the winners using the judging criteria set forth in these rules. The decisions of MSHF and the Judging Panel are final on all matters relating to the Contest. The winners will be chosen on or about May 1, 2010 and notified by telephone or mail. The People’s Choice Award winner will be determined by number of votes cast by visitors to Hershey Gardens through September 6, 2010. The birdhouse with the most votes will be deemed the People's Choice Award winner and the entrant will be notified on or before September 30, 2010. After the prize winners are chosen, alternate(s) will be selected on an as-needed basis in the event that any winner is ineligible, declines the prize or cannot be located. Entrants do not need to be present to win. All prizes are subject to verification. The prize winners will be required to sign and return a Winners Affidavit of Eligibility and Release at the time of the award of the prizes, or the prizes will be forfeited.

Judging Panel:

A list of judges will be available on the Hershey Gardens website at www.hersheygardens.org.

Exhibition:

All eligible entries will be displayed throughout Hershey Gardens from May 1, 2010 through September 26, 2010 (“Exhibition Period”).

Ownership:

Except as set forth herein, all birdhouses submitted by entrants in the Contest shall remain the property of the entrants. Entrants grant MSHF the right to affix a tag to the birdhouse identifying the maker of the birdhouse. Entrants who choose to donate their birdhouses to MSHF at the time of entry must complete and submit a Deed of Gift form. Entrants who desire to pick up their birdhouse hereby agree to loan to MSHF the entrant’s birdhouse from the date the birdhouse is submitted to Hershey Gardens until the date entrant picks up the birdhouse. Birdhouses must be picked up at the Hershey Gardens Gift Shop between September 30, 2010 and October 5, 2010 during regular operating hours. Birdhouses not picked up by close of business on October 5, 2010 will be deemed abandoned and become the property of Hershey Gardens, to be used, donated or discarded at the discretion of Hershey Gardens.

Care and Preservation:

Hershey Gardens shall not be liable or responsible for any damage or loss to any of the birdhouses delivered to Hershey Gardens in connection with this Contest no matter how the damage is caused. Hershey Gardens may, but is not obligated to, repair, refurbish or restore any birdhouses that are damaged while they are at Hershey Gardens.

Tax Information

The prize winners are responsible for compliance with all applicable rules, laws and regulations, including, but not limited to, payment of applicable federal, state and local income taxes.

Publicity/Grant of Use

MSHF may photograph and distribute photographs of the birdhouses in promotional materials and/or MSHF merchandise without compensation to the entrant. By entering this Contest, entrants hereby grant MSHF and its employees, officers, directors, parent, agents, representatives, assigns, and affiliates, and its sponsors and representatives, including any publishers or advertising media the right to use, copyright, advertise publicly or put to any other purpose, the entrant’s birdhouse image, likeness, photograph (of entrant or entrant’s birdhouse), and statement(s), recorded or live voice, and the name and address of entrant (hereinafter referred to as the “GRANT OF USE”), received by MSHF in connection with the Contest, and each entrant hereby releases MSHF from any liability with respect thereto. Permission is granted by entrant for any use, now or in the future, in connection with

the Contest and/or the marketing of MSFH. This GRANT OF USE is binding on entrants and their heirs, assigns, executors, administrators and representatives.

General Liability Release

Entrants agree that MSFH and its representatives, affiliates, directors, officers, parent, employees and assigns (the "Released Parties") (a) shall not be responsible or liable for any losses, damages or injuries of any kind resulting from participation in the Contest or in any Contest-related activity, including, but not limited to, travel, or the award, acceptance, receipt, possession, use or misuse of the prize(s), and (b) have not made any warranty, representation or guarantee express or implied, in fact or in law, with respect to the Contest or the prize(s), including, without limitation, to any prizes quality or fitness for a particular purpose.

Disputes

Except where prohibited by law, as a condition of participating in this Contest agree under no circumstances will entrants be permitted to obtain awards for, and hereby waive all rights to claim punitive, incidental or consequential damages, or any other damages, including attorneys' fees, other than entrants actual out-of-pocket expenses (e.g., costs associated with entering this Contest), and entrants further waive all rights to have damages multiplied or increased.

Governing Law

Except where prohibited by law, this Contest shall be governed by and construed in accordance with the laws of the Commonwealth of Pennsylvania. Entrants hereto consent and agree that all legal proceedings relating to the subject matter of this Contest shall be maintained in the Court of Common Pleas of Dauphin County, Pennsylvania or, if applicable, the United States District Court for the Middle District of Pennsylvania (Harrisburg division), and entrants consent and agree that jurisdiction and venue for such proceedings shall lie exclusively with such courts.

For More Information or Winners List or Rules Requests

Please contact Tammy Harris, Event Coordinator, at 717.298.2208 or by email at tharris@mshersheyfoundation.org for additional information. For the list of the prize winners and/or to obtain a printed copy of the Official Rules please send self-addressed, postage-paid envelope to: "For the Birds Contest" c/o Hershey Gardens, 170 Hotel Road, Hershey, PA 17033 by October 15, 2010.