

ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD
ADMINISTRATIVE CODE

CHAPTER 20-X-7
ADVERTISING PROVISIONS

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20-X-7-.01 General Advertising Provisions. The following regulations shall apply to all advertising of alcoholic beverages regardless of medium:

(a) All proposed advertising shall be submitted to the ABC Board for prior approval before dissemination within Alabama. This includes, but is not limited to, radio, television, newspapers, magazines, billboards, point-of-sale materials, novelty items, clothing, promotions and aerial displays. Once approved, advertising may be disseminated repeatedly if there are no substantial or material deviations in the use, message, or distribution thereof.

(b) The ABC Board may exercise its discretion to prohibit advertising it considers objectionable.

(c) All advertisements shall pertain to alcoholic beverages approved and/or listed by the ABC Board at the time such advertisements are disseminated.

(d) No advertisement may include any illustration(s) of any person(s) consuming alcoholic beverages or any person(s)

posed in an immodest or sensuous manner, nor shall any advertising contain profanity or offensive language.

(e) No advertisement shall include anything which might appeal to minors by implying that the consumption of alcoholic beverages is fashionable or the accepted course of behavior.

(f) No promotional activities, sweepstakes, or contests may award alcoholic beverages as prizes therefor.

(g) Refund coupons or cents-off coupons which require or induce the purchase of table wine or beer are prohibited.

Author: ABC Board

Statutory Authority: Code of Ala. 1975, §28-3-49.

History: Repealed and New: Filed August 21, 1998; effective October 16, 1998.

20-X-7-.02 **Advertising By Radio And Television.** The ABC Board reserves the right to review and/or reject any advertising of alcoholic beverages via the medium of radio, television and Internet which the ABC Board deems objectionable, improper, or not in conformity with these regulations. It shall be the responsibility of each licensee to supply the ABC Board with documentation indicating the full and complete content of any such advertising prior to the dissemination thereof.

Author: ABC Board

Statutory Authority: Code of Ala. 1975, §§28-3-16; 28-3-49.

History: Repealed and New: Filed August 21, 1998; effective October 16, 1998.

20-X-7-.03 **Advertising By Printed Medium.**

(1) Prior to dissemination or publication, all advertising of alcoholic beverages utilizing printed matter of any kind or description shall be approved by the ABC Board.

(a) A copy in duplicate of the format and message of the proposed advertisement shall be submitted to the ABC Board for approval before final release of the advertisement; one copy shall be retained by the ABC Board and the other copy returned as authority for release of the advertisement.

(b) Advertising disseminated by way of T-shirts, caps, other clothing items and novelty items, shall be submitted to and approved by the ABC Board prior to distribution. This regulation

shall be applicable to advertisements utilizing slogans, logos or brand names contained on T-shirts, caps, clothing and novelty items.

(c) Wholesaler licensees may purchase those items referred to in 1(b) above for resale to retail licensees. The wholesaler must recover all costs thereof in the resale to the retailer and must make available to all retailers the same item(s) at the same price(s) in whatever quantity requested by the retailer.

(d) No ABC Board licensee may give to consumers any object of advertising having more than advertising value. In cases of items having more than advertising value, including but not limited to the items referred to in 1(b) above, the licensee may sell such items to consumers but must recover all costs thereof on a per unit basis in the resale to the consumer. This paragraph shall not be applicable to alcoholic beverages packaged by the manufacturer with an item or items of advertising contained therein, sometimes called an "on-pack."

(2) Nothing herein shall prohibit ABC Board licensees from using company emblems and slogans on stationery used by the licensee.

Author: ABC Board

Statutory Authority: Code of Ala. 1975, §§28-3-16; 28-3-49.

History: Repealed and New: Filed August 21, 1998; effective October 16, 1998.

20-X-7-.04 Advertising By Billboards.

(1) Any signs and/or billboards advertising alcoholic beverages and illuminated with flashing lights are prohibited.

(2) The term "billboard" shall be construed to mean a framework or structure no smaller than 432 square inches, customarily erected and maintained by outdoor advertising agencies, erected or constructed with supports annexed to the board, on which is painted, posted or placed thereon advertising matter. Signs affixed to fence posts, trees, pilings, or other supports not customarily designed for advertising matter are not considered billboards.

Author: ABC Board

Statutory Authority: Code of Ala. 1975, §§28-3-16; 28-3-49.

History: Repealed and New: Filed August 21, 1998; effective October 16, 1998.

20-X-7-.05 Cooperative Advertising For Beer.

(1) There shall be no cooperative advertising between a producer, manufacturer, importer or wholesaler and a retailer of beer.

(2) The term "cooperative advertising" shall mean payment or credit to any person licensed to sell beer at retail for all or any portion of advertising by a producer, importer, wholesaler of beer, whether or not licensed by the ABC Board.

(3) The term "cooperative advertising" shall not be construed to include point-of-sale advertising furnished by a manufacturer or wholesaler to a retailer, or any joint effort between a manufacturer and a wholesaler or an importer and a wholesaler.

(4) Point-of-sale advertising material(s) determined to have financial worth in excess of advertising value shall not be distributed to a retailer until the cost thereof is paid by said retailer to the supplier thereof.

(5) There shall be no signs or banners outside the premises of any retail licensee which advertise a particular manufacturer or brand of beer except that special events retail licensees, international motor speedways retail licensees, and any retail licensees operating a stadium, ballpark or outside theater shall be permitted to have such signs and banners which advertise a particular brand of beer.

(6) Durable retail advertising specialties, such as clocks, pool table lights, non-electric coolers and the like which bear prominent advertising of a particular manufacturer or brand of beer shall be considered as point of sale advertising material which has no financial worth in excess of its advertising value. The transfer of possession of durable retail advertising specialties to a retailer shall be absolute, irrevokable and shall not be conditioned upon any business relationship including, but not limited to, the purchase of beer.

(7) Expendable retail advertising specialties provided to a retailer by a wholesaler such as ash trays, coasters, mats, table tents, napkins, cups, glassware, thermometers, and the like, shall be sold to a retailer at a price not less than the actual cost to the industry member who initially purchased such specialty or specialties, without limitation in total dollar value of such items sold to the retailer.

(8) Consumer advertising specialties provided to a retailer by a wholesaler such as T-shirts, bottle openers, shopping bags, buttons, key chains, and the like, shall be sold to a retailer at a price not less than the actual cost to the industry member who initially purchased such specialty or specialties, without limitation in total dollar value of such items sold to the retailer. Provided that where the consumer advertising specialty or specialties are given to the consumer directly by an employee or agent of the wholesaler licensee, there shall be no charge to the retailer for the cost of such specialty.

(10) The term "and the like" as it appears in the paragraphs addressing durable retail advertising specialties, expendable retail advertising specialties, and consumer advertising specialties may include any item in addition to those enumerated as the Board may from time to time designate.

Author: ABC Board

Statutory Authority: Code of Ala. 1975, §28-3-49.

History: Repealed and New: Filed August 21, 1998; effective October 16, 1998. **Amended:** Filed May 2, 2001; effective June 6, 2001.

20-X-7-.06 Aerial Displays.

(1) Alcoholic beverages may be advertised by means of tethered aerial displays, and shall be subject to the following terms and conditions:

(a) The licensee shall have received prior written approval from the ABC Board as to the display itself and proposed location.

(b) Aerial displays shall be tethered or anchored on the premises of a licensee, but in no event in excess of 48 continuous hours.

(c) Aerial displays shall be permitted only in conjunction with special events and/or promotional activities and shall not be used solely in the ordinary course of a licensee's business.

(d) Aerial displays shall not be permitted on Sundays after 2 a.m.

(e) Aerial displays shall not be permitted where the use thereof is determined to be detrimental to the health, safety and welfare of the public.

(f) Aerial displays shall comply with all other pertinent rules and regulations of the ABC Board pertaining to advertising.

Author: ABC Board

Statutory Authority: Code of Ala. 1975, §§28-3-16; 28-3-49

History: Repealed and New: Filed August 21, 1998; effective October 16, 1998.

20-X-7-.07 **Wine Tastings**. Table wine tastings may be permitted subject to the following terms and conditions:

(a) Table wine tastings are restricted to the following licensed premises:

1. On-premises table wine.
2. Lounge retail liquor, Class I.
3. Restaurant retail liquor.
4. Club liquor, Class I & II.
5. Wholesale table wine.
6. Special events retail.
7. Special retail.

(b) All participants in any tastings shall be of legal drinking age.

(c) Table wine tastings shall be of a structured nature and not exceed a period of 2 ½ continuous hours.

(d) All table wine shall be dispensed from original containers prepared by the manufacturer with labels visible to the consumer. Individual samples furnished to a consumer shall contain no more than two ounces of the table wine.

(e) Table wine tastings may be conducted by table wine wholesalers on any of the licensed premises referred to in (1)(a) above. The wholesaler shall be permitted to conduct wine tastings utilizing its own personnel, with the assistance from retail personnel if desired. At all tastings, the wholesale or retail licensee shall provide for purposes of the promotion, a person with a sufficient knowledge of the product(s) involved to conduct said tastings.

Author: ABC Board

Statutory Authority: Code of Ala. 1975, §28-3-49.

History: Repealed and New: Filed August 21, 1998; effective October 16, 1998.

20-X-7-.08 **Alcoholic Beverage Purchases By Communication Services.** All sales, deliveries, purchases or supplying of alcoholic beverages to consumers by wire, Internet, order forwarding, telephone or telegraph gift services, or related communication services are prohibited, whether interstate or intrastate.

Author: ABC Board

Statutory Authority: Code of Ala. 1975, §28-3-49.

History: Repealed and New: Filed August 21, 1998; effective October 16, 1998. **Amended:** Filed May 2, 2001; effective June 6, 2001.

20-X-7-.09 **Advertising Using The Alabama Alcoholic Beverage Control Board Name Or Emblem - Prohibited.**

(1) It shall be unlawful for any licensee to use as a part of its official name or trade name the following words, phrases, or initials, viz:

"State Store," "State," "Green Front," "ABC" or such other description as might likely confuse or mislead the public into believing that said licensed establishment is operated by the ABC Board.

(2) It shall be unlawful for any licensee to use any logo or emblem about its licensed premises or in any mode of advertising that is identical to that used by the ABC Board or so similar that the public would likely be confused or misled into believing that said licensed premises are operated by the ABC Board.

Author: ABC Board

Statutory Authority: Code of Ala. 1975, §28-3-49.

History: Repealed and New: Filed August 21, 1998; effective October 16, 1998.

20-X-7-.10 **Beer Tastings.** Beer tastings may be permitted subject to the following terms and conditions:

(a) Beer tastings are restricted to the following licensed premises:

1. On-premises beer.
2. Lounge retail liquor, Class I.
3. Restaurant retail liquor.
4. Club liquor, Class I and II.
5. Wholesale beer.
6. Special events retail.
7. Special retail.

(b) All participants in any tastings shall be of legal drinking age.

(c) Beer tastings shall be of a structured nature and not exceed a period of 2 1/2 continuous hours.

(d) All beer shall be dispensed from original containers prepared by the manufacturer with labels visible to the consumer. Individual samples furnished to a consumer shall contain no more than two ounces of the beer.

(e) Beer tastings may be conducted by beer wholesalers on any of the licensed premises referred to in (1)(a) above. The wholesaler shall be permitted to conduct beer tastings utilizing its own personnel, with the assistance from retail personnel if desired. At all tastings, the wholesale or retail licensee shall provide for purposes of the promotion, a person with a sufficient knowledge of the product(s) involved to conduct said tastings.

(f) Beer tastings shall be limited to products which have not been available, or have not been widely distributed, within the State of Alabama for a period of more than one (1) year immediately preceding the date of the beer tasting.

(g) All cost of a beer tasting, including the cost of the beer, shall be borne by the licensee on whose premises the beer tasting is held.

Author: ABC Board

Statutory Authority: Code of Ala. 1975, §28-3-49.

History: New Rule: Filed January 15, 1999; effective February 19, 1999.

20-X-7-.11 Spirits Tastings.

(1) Spirits tastings may be permitted subject to the following terms and conditions:

(a) For the purpose of this regulations, the term "spirits" applies to the same alcoholic beverages as those defined under the term "liquor" in the Glossary of Terms, Regulation 20-X-2-.01, for this publication.

(b) Spirits tastings are restricted to the following licensed premises:

1. Lounge retail liquor, Class I.
2. Restaurant retailer liquor.
3. Club liquor, Class I & II.
4. Special events retail.
5. Special retails.

(c) All participants in any tastings shall be of legal drinking age.

(d) Spirits tastings shall be of a structured nature and not exceed a period of 2 ½ continuous hours.

(e) All spirits shall be dispensed from original containers prepared by the manufacturer with labels visible to the consumer. Individual samples furnished to a consumer shall contain no more than one-half ounce of the spirits. No more than three (3) samples may be furnished to a consumer in one calendar day.

(f) Spirits tastings may be conducted by licensed manufacturers or their representative on any of the licensed premises referred to in (1)(b) above. The representative shall be permitted to conduct spirits tastings utilizing its own personnel, with the assistance from retail personnel if desired. At all tastings, the manufacturer or manufacturer's representative shall provide for purposes of the promotion, a person with a sufficient knowledge of the product(s) involved to conduct said tastings.

Author: ABC Board

Statutory Authority: Code of Ala. 1975, §28-3-49.

History: New Rule: Filed May 2, 2001; effective June 6, 2001.