

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 may 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, internet and aerial displays.

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

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

slogans, logos or brand names contained on T-shirts, caps, clothing and novelty items.

(d) Although prior approval is not required, failure to comply with the provisions of this chapter shall be considered a violation of the advertising provisions.

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

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

(g) 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.

(h) 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.

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

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

(k) No ABC Board licensee may give to consumers any advertising or promotional items having more than advertising value. In cases of items having more than advertising value, including but not limited to T-shirts, caps, clothing and novelty items, 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".

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:** Published October 29, 2021; effective December 13, 2021.

20-X-7-.02 Advertising By Radio And Television (Repealed 12/13/21).

(REPEALED)

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. **Repealed:** Published October 29, 2021; effective December 13, 2021.

20-X-7-.03 Advertising By Printed Medium (Repealed 12/13/21).

(REPEALED)

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. **Repealed:** Published October 29, 2021; effective December 13, 2021.

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.

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

(2) The term "cooperative advertising" shall mean payment or credit to any person licensed to sell alcoholic beverages at retail for all or any portion of advertising by a producer, importer, or wholesaler of alcoholic beverages, 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 is paid by the retailer to the supplier.

(5) There shall be no signs or banners outside the premises of any retail licensee which advertise a particular manufacturer or brand of alcoholic beverages 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 alcoholic beverages.

(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 alcoholic beverages 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, irrevocable and shall not be conditioned upon any business relationship including, but not limited to, the purchase of alcoholic beverages.

(7) Expendable retail advertising specialties provided to a retailer by a manufacturer or 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 manufacturer or 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.

(9) Reserved

(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 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. **Amended:** Published October 29, 2021; effective December 13, 2021.

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 may receive prior written approval from the ABC Board as to the display itself and proposed location. Although prior approval is not required, failure to comply with the provisions of this chapter shall be considered a violation of the advertising provisions.

(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.

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

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

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. **Amended:** Published October 29, 2021; effective December 13, 2021.

20-X-7-.07 Wine Tastings.

Table wine tastings may be permitted subject to the following terms and conditions:

(a) Wine tastings are permitted to be conducted on any premises holding an ABC retail or wholesale license to sell wine.

(b) All wine tasting events shall be subjected to the following requirements:

1. Notification shall be given by the licensee to the ABC Board seven (7) days prior to the tasting event. If an event is held weekly, notification may be made in writing to the ABC Board at the start of the calendar year indicating the name of the business, the license number, the location of the tasting, the days and times of the tastings, and the duration of the weekly tasting.
 2. Only products which have been approved for sale within the state may be used for tastings.
 3. The products used shall be designated for tasting use only and shall not be sold and/or consumed otherwise.
 4. Those conducting the tasting shall maintain proof of purchase for the products.
 5. Wine tastings shall be of a structured nature and not exceed a period of 2 ½ continuous hours.
 6. All 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 wine.
 7. Tastings shall be conducted by licensed wine wholesalers or manufacturers on any of the licensed premises referred to in (a) above. The wholesaler or manufacturer shall be permitted to conduct wine tastings utilizing its own personnel, or industry representatives who have permits and identification, with assistance from retail personnel if desired. At all tastings, the wholesaler, the manufacturer, or the retail licensee shall provide for purposes of the promotion, a person with a sufficient knowledge of the product(s) involved to conduct said tastings.
 8. Any product with a broken seal shall be removed from the licensees' premises at the end of the tasting event.
 9. All cost of a wine tasting, including the cost of the wine, shall be borne by the licensee on whose premises the wine tasting is held.
- (c) All wine tasting events shall be subject to the following restrictions:
1. Tastings shall not be offered to any consumer who is under the age of 21 or who appears, considering the totality of the circumstances, to be intoxicated.
 2. The tasting area shall be confined to the licensed premises, in a designated area, so as to separate the

event from any point-of-sales of alcoholic beverages. Tastings shall not be conducted on a patio, or parking area that is outside the licensed premises. This restriction does not prohibit a special event licensee from conducting an outdoor tasting event. A special event retail licensee shall be required to designate one area within the licensed premises to conduct tastings.

3. The tasting area shall contain at a minimum one table. The wholesaler, manufacturer, or its representative shall be present at the table throughout the duration of the tasting event.

4. Only the product shall be served at the tasting event. Non-alcoholic mixers may be added.

5. Other than purchases allowed by license type and that are necessary for a planned tasting event, no licensee shall receive payment or any other consideration directly or indirectly from any other licensee.

6. No promotions, sweepstakes, prizes, or contests shall be held during a tasting event.

7. No signs or banners advertising the event shall be placed outside the licensed premises.

(d) The licensee shall be held responsible for a tasting event held on their licensed premises.

(e) The Board may, itself initiate, investigate and, if appropriate, disapprove and prohibit the continued tastings by any licensee found to be conducting tastings in violation of applicable state laws and ABC Rules and Regulations.

(f) Additional requirements for state liquor stores and for private package stores - lounge retail liquor- Class II:

1. Tastings shall commence no later than six o'clock p.m. and not exceed a period of two hours.

2. Individual samples furnished to a consumer shall contain no more than one ounce of wine. No more than four (4) samples shall be provided to a consumer per tasting event in a 24-hour period.

3. Tastings shall be conducted at no charge, either directly or indirectly, to the customer.

Author: ABC Board

Statutory Authority: Code of Ala. 1975, §§28-3-49, 28-3A-20.2.

History: **Repealed and New:** Filed August 21, 1998; effective October 16, 1998. **Amended:** Filed October 13, 2016; effective November 27, 2016. **Amended:** Filed June 21, 2017; effective

August 5, 2017. **Amended:** Published October 29, 2021; effective December 13, 2021.

20-X-7-.08 Alcoholic Beverage Purchases By Communication Services (Repealed 10/15/21).

(REPEALED)

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. **Repealed:** Published August 31, 2021; effective October 15, 2021.

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:

"State Store," "State," "ABC" or such other description as might likely confuse or mislead the public into believing that the 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 the 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. **Amended:** Published October 29, 2021; effective December 13, 2021.

20-X-7-.10 Beer Tastings.

Beer tastings may be permitted subject to the following terms and conditions:

(a) Beer tastings are permitted to be conducted on any premises holding an ABC retail or wholesale license to sell beer.

(b) All beer tasting events shall be subject to the following requirements:

1. Notification shall be given by the licensee to the ABC Board seven (7) days prior to the tasting event.
 2. Only products which have been approved for sale within the state may be used for tastings
 3. The products used shall be designated for tasting use only and shall not be sold and/or consumed otherwise.
 4. Those conducting the tasting shall maintain proof of purchase for the products.
 5. Beer tastings shall be of a structured nature and not exceed a period of 2 ½ continuous hours.
 6. 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.
 7. Beer tastings shall be conducted by beer manufacturers or wholesalers on any of the licensed premises referred to in (a) above. The manufacturer or wholesaler shall be permitted to conduct beer tastings utilizing its own personnel, or industry representatives who have permits and identification, with the assistance from retail personnel if desired. At all tastings, the manufacturer, wholesaler 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.
 8. 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.
 9. Any product with a broken seal shall be removed from the licensees' premises at the end of the tasting event.
- (c) All beer tasting events shall be subject to the following restrictions:
1. Tastings shall not be offered to any consumer who is under the age of 21 or who appears, considering the totality of the circumstances, to be intoxicated.
 2. The tasting area shall be confined to the licensed premises, in a designated area, so as to separate the event from any point-of-sales of alcoholic beverages. Tastings shall not be conducted on a patio or parking area that is outside the licensed premises. This restriction does not prohibit a special event licensee from conducting an outdoor tasting event. A special event

retail licensee shall be required to designate one area within the licensed premises to conduct tastings.

3. The tasting area shall contain, at a minimum, one table. The wholesaler, manufacturer, or its representative shall be present at the table throughout the duration of the tasting event.

4. Only the product shall be served at the tasting event. Non-alcoholic mixers may be added.

5. Other than purchases allowed by license type and that are necessary for a planned tasting event, no licensee shall receive payment or other consideration directly or indirectly from any other licensee.

6. No promotions, sweepstakes, prizes, or contests shall be held during a tasting event.

7. No signs or banners advertising the event shall be placed outside the licensed premises.

(d) The licensee shall be held responsible for a tasting event held on their licensed premises.

(e) The Board may, itself initiate, investigate and, if appropriate, disapprove and prohibit the continued tasting by any licensee found to be conducting tastings in violation of applicable state laws and ABC Rules and Regulations.

Author: ABC Board

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

History: New Rule: Filed January 15, 1999; effective February 19, 1999. **Amended:** Filed June 21, 2017; effective August 5, 2017. **Amended:** Published October 29, 2021; effective December 13, 2021.

20-X-7-.11 Spirits Tastings.

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

(a) Spirits tastings are permitted to be conducted on any premises holding an ABC retail license to sell spirits.

(b) All spirit tasting events shall be subject to the following requirements:

1. Notification shall be given by the licensee to the Board seven (7) days prior to the tasting event.

2. Only products which have been approved for sale within the state may be used in tastings.
3. The products used shall be designated for tasting use only and shall not be sold and/or consumed otherwise.
4. Those conducting the tasting shall maintain proof of purchase for the products.
5. Spirits tastings shall be of a structured nature and not exceed a period of 2 ½ continuous hours.
6. 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.
7. Spirits tastings shall be conducted by licensed manufacturers or their representative on any of the licensed premises referred to in (1)(a) above. The representative shall be permitted to conduct spirits tastings utilizing its own personnel, or industry representatives who have permits and identification, with 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 the tastings.
8. Any product with a broken seal shall be removed from the licensees' premises at the end of the tasting event.
9. All cost of a spirits tasting, including the cost of the spirits, shall be borne by the licensee on whose premises the spirits tasting is held.

(c) All spirit tasting events shall be subject to the following restrictions:

1. Tastings shall not be offered to any consumer who is under the age of 21 or who appears, considering the totality of the circumstances, to be intoxicated.
2. The tasting area shall be confined to the licensed premises, in a designated area, so as to separate the event from any point-of-sales of alcoholic beverages. Tastings shall not be conducted on a patio, or parking area that is outside the licensed premises. This restriction does not prohibit a special event licensee from conducting an outdoor tasting event. A special event

retail licensee shall be required to designate one area within the licensed premises to conduct tastings.

3. The tasting area shall contain at a minimum one table. The manufacturer or its representative shall be present at the table during the duration of the tasting event.

4. Only the product shall be served at the tasting event. Non-alcoholic mixers may be added.

5. Other than purchases allowed by license type and that are necessary for a planned tasting event, no licensee shall receive payment or any other consideration, directly or indirectly, from any other licensee.

6. No promotions, sweepstakes, prizes, or contests shall be held during a tasting event.

7. No signs or banners advertising the event shall be placed outside the licensed premises.

(d) The licensee shall be held responsible for a tasting event held on their licensed premises.

(e) The Board may, itself initiate, investigate and, if appropriate, disapprove and prohibit the continued tastings by any licensee found to be conducting tastings in violation of the applicable state laws and ABC Rules and Regulations.

(f) Additional requirements for state liquor stores and for private package stores- lounge retail liquor - Class II:

1. Tastings shall commence no later than six o'clock p.m. and not exceed a period of two hours.

2. Individual samples furnished to a consumer shall contain no more than one-quarter ounce of the spirits.

3. Tastings shall be conducted at no charge, either directly or indirectly, to the customer.

Author: ABC Board

Statutory Authority: Code of Ala. 1975, §§28-3-49, 28-3A-20.2.

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

Amended: Filed October 13, 2016; effective November 27, 2016.

Amended: Published October 29, 2021; effective December 13, 2021.