

14B NCAC 15B .1006 ADVERTISING OF MALT BEVERAGES, WINE AND MIXED BEVERAGES BY RETAILERS

(a) Interior Advertising.

- (1) Point-of-Sale. Retail malt beverage, wine, and mixed beverage permittees may utilize any amount of point-of-sale advertising for malt beverage, wine, and mixed beverage products offered for sale in the establishment. This advertising may be supplied by the industry member unless it constitutes a fixture or has value other than as advertising material. However, an industry member may give a retailer brand-identified items listed in 14B NCAC 15C .0711(c) for use as point-of-sale advertising;
- (2) Price Boards. Retail malt beverage, wine, and mixed beverage permittees may display inside price boards showing the brand names and prices of malt beverage, wine, and mixed beverage products offered for sale in the establishment;
- (3) Menus and Beverage Lists. Retail on-premise malt beverage, wine, and mixed beverage permittees may place on the menu and beverage lists the brand names and prices of malt beverage, wine, and mixed beverage products offered for sale in the establishment. Beverage lists may be supplied by an industry member and may include up to six items from the retailer's food menu but shall not include the name, logo, or other identifier of the retail permittee on the advertisement. A table tent shall be considered a beverage list for purposes of this Rule;
- (4) Retailer Advertising Specialty Items. "Retailer advertising specialty items" are items such as trays, coasters, mats, meal checks, paper napkins, glassware, cups, foam scrapers, back bar mats, thermometers, and other similar items that bear advertising matter. Advertising specialty items may be provided to a retailer by an industry member as provided in 14B NCAC 15C .0711(b)(8);
- (5) Window Displays. Retail malt beverage, wine, and mixed beverage permittees may arrange unopened malt beverage, wine, or spirituous liquor products in a window display;
- (6) Location. Except as permitted pursuant to Paragraph (e) of this Rule, no point-of-sale advertising, advertising specialty item or price board shall be displayed in a manner designed or intended to advertise malt beverages, wine, or mixed beverages on the outside of the establishment; and
- (7) T-shirts. A retailer's employees shall not wear alcoholic beverage brand identified t-shirts while working on the retailer's licensed premises.

(b) Exterior Advertising.

- (1) Outside signs on the premises.
 - (A) Malt Beverages. Retail malt beverage permittees may display the term "beer," "cold beer," "draught beer," "specialty beer," "craft beer," "North Carolina beer," "local beer," or "imported beer," on a single, non-mechanical outside sign. This sign may be neon illuminated. The letters and figures on the sign shall not be more than 5 inches in height and 2 inches apart and the sign shall be attached to the building on the licensed premises. Retail malt beverage permittees may also display the term "beer," "cold beer," "draught beer," "specialty beer," "craft beer," "North Carolina beer," "local beer," or "imported beer" or a similar term on a single, portable, non-mechanical sidewalk sign that is no larger than 25 inches by 45 inches on each of its two sides. The sidewalk sign shall be displayed only during the hours of operation.
 - (B) Wine. Retail wine permittees may display the term "wine permit-off premise," "wine permit-on premise," "fine wine," or a similar term on a single non-mechanical outside sign. This sign may be neon illuminated. The letters and figures on the sign shall not be more than 5 inches in height and 2 inches apart and the sign shall be attached to the building on the licensed premises. Instead of the sign described in this Paragraph, retail wine permittees engaged in off-premise sales of wine may display the term "Wine Shop," "Wine and Cheese," or a similar term on a single non-mechanical sign. This sign may be neon illuminated. The letters and figures on the sign shall not be more than 18 inches in height and the sign shall be attached to the building on the licensed premises. Retail wine permittees may also display the term "wine permit-off premise," "wine permit-on premise," "fine wine," or a similar term on a single, portable, non-mechanical sidewalk sign that is no larger than 25 inches by 45 inches on each of its two sides. Instead of the sidewalk sign described in this Paragraph, retail wine permittees engaged in off-premise sales of wine may display the term "Wine Shop," "Wine and Cheese," "fine wine," or a similar term on a single, portable, non-mechanical sidewalk sign that is no larger than 25

inches by 45 inches on each of its two sides. A sidewalk sign shall be displayed only during the hours of operation.

- (C) Restriction. Retail malt beverage, wine, and mixed beverage permittees shall not allow price advertising or additional signs advertising malt beverages, wine, and mixed beverages on the outside of their premises. Outside signs alluding to malt beverages, wine, or mixed beverages by slang descriptions such as "brew," "suds," "six-pack," "vino," or "booze" are prohibited.
 - (D) Exceptions for Menus. The placement of a food menu that also contains a list of alcoholic beverages by brand and price in a window, on the exterior of the retailer's building or on a sidewalk sign that is no larger than 25 inches by 45 inches on each of its two sides is not a violation of this Rule. A sidewalk sign shall be displayed only during the hours of operation.
 - (E) Mixed Beverages. Retail mixed beverage permittees may display the term "mixed beverages," "all ABC permits," "mixed drinks," "cocktails," or "spirits," on a single non-mechanical, non-neon, or otherwise self-illuminated outside sign. The letters and figures on the sign shall not be more than five inches in height and two inches apart and the sign shall be attached to the building on the licensed premises.
 - (F) Private Club. A private club shall not display any exterior sign advertising the availability of malt beverages, wine, or mixed beverages.
- (2) Billboards. Retail permittees shall not advertise malt beverage, wine, or mixed beverage products or the availability of alcoholic beverages by means of a billboard or outdoor sign except as provided in this Section. Industry members with retail permits may advertise tastings;
 - (3) Aerial Displays. Retail permittees shall not advertise malt beverage, wine, or mixed beverage products or the availability of alcoholic beverages by means of an aerial display or an inflatable item that is tethered; and
 - (4) This Rule permits only exterior advertising allowed by local ordinances.
- (c) Removal of Signs. A permittee shall remove any sign, display, or advertisement in or about the permittee's licensed premises if the Commission finds following a hearing it is contrary to public interest and orders its removal.
 - (d) Media Advertising. A retail malt beverage, wine, or mixed beverage permittee may advertise price and brand of malt beverage, wine, and mixed beverage products offered for sale by means of circular, newspaper, magazine, radio, television, and internet.
 - (e) Notwithstanding Subparagraphs (a)(6) and (c) of this Rule, a sports or entertainment venue with a permanently constructed seating capacity of 3,000 or more, which is not located on the campus of a school, college, or university, may display point-of-sale advertising for malt beverages and unfortified wine inside the venue that is visible from the outside of the venue, and shall not be required by the Commission to move or remove the advertising.

History Note: Authority G.S. 18B-100; 18B-105; 18B-207; S.L. 2018-65, s. 5.1; Eff. January 1, 1982; Amended Eff. March 1, 2012; January 1, 2011; July 1, 1992; May 1, 1984; Transferred and Recodified from 04 NCAC 02S .1008 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20, 2016; Amended Eff. April 1, 2019.