

OREGON LIQUOR CONTROL COMMISSION
CHAPTER 845
PROPOSED AMENDMENT – FINAL STAFF DRAFT

Note: **Bold and underlined** = new text; *italics and strikethrough* = deleted text

845-007-0020
Restrictions

(1) The Commission prohibits advertising if it contains:

(a) False or misleading information;

(b) Claims that the alcoholic beverage has curative or therapeutic effects;

(c) Claims that any government agency endorses or supports the alcoholic beverage;

(d) The requirement of purchasing an alcoholic beverage in order to receive a prize or merchandise unless the manufacturer or wholesaler donates the prize or merchandise to a charitable cause or community non-profit entity;

(e) Material so appealing to minors that it encourages them to purchase, possess, or drink alcoholic beverages;

(f) A person displayed drinking an alcoholic beverage;

(g) Material that encourages the use of an alcoholic beverage because of its intoxicating effect;

(h) Statements or illustrations that an alcoholic beverage causes athletic or artistic success;

(i) Material that encourages excessive or rapid consumption.

~~(2) The Commission prohibits references to temporary price reductions for alcoholic beverages to be consumed on the licensed premises. These references include "happy hour," "dimers," "two-for-one," "social adjustment hour," "free," or similar terms. The licensee may make references to temporary price reductions inside the licensed premises if the reference is not visible from the outside.~~

(2) The Commission prohibits any advertising of the promotional practices that are prohibited under OAR 845-006-0345(10).

(3) Outside the licensed premises, the Commission prohibits advertising of an alcoholic beverage for on-premises consumption if that advertising

contains both a specified time period when a price or discount is available and either the price of the alcoholic beverage, or a specified dollar amount or percentage discount on the alcoholic beverage. Specified time periods include terms that reference a time of day such as “night” or “hour”, a day of the week such as “Thursdays”, a specific date such as “St. Patrick’s Day”, or similar terms.

(a) Examples of advertising that is prohibited under this section include: \$2.00 draft beer on Fridays, \$4.50 well drinks 4:00 – 6:00 p.m., \$1.00 off draft beer on Thursdays, half price gin and tonics 6:00 – 9:00 p.m., or ladies night margaritas \$4.00.

(b) Advertising the regular price of an alcoholic beverage outside the licensed premises, such as on a menu in the window or on a website, is allowed as long as there is no mention of a specified time period for those prices. Advertising that uses terms such as “happy hour” is also allowed as long as there is no mention of an alcoholic beverage’s price or discount.

(4) Outside the licensed premises, the Commission prohibits advertising of an alcoholic beverage for on-premises consumption where the expressed or implied meaning is that a customer, in order to receive a reduced price, would be required to purchase more than one drink at a time, such as “two for the price of one”, “buy one – get one free”, or “two for \$ _____”.

(5) Advertising is considered “outside the licensed premises” if the advertising is visible or audible from the outside, including advertising on a website or on a telephone answering machine recording. Responses via email or telephone to questions from the public are not considered advertising and are thus allowed.

~~(3)~~ (6) The Commission prohibits advertising that violates OAR 845-015-0130 (Advertising a retail liquor store).

~~(4)~~ (7) The Commission prohibits manufacturers and wholesalers from giving retailers point-of-sale items and advertising that the financial assistance laws prohibit (ORS 471.398 and 471.400 and OAR 845-013-0050).

Stat. Auth.: ORS 471-~~ORS 472~~, including ORS 471.030, ~~&~~ 471.730(1) & (5)
Stats. Implemented: ORS 471.730(7)