For your information

The Oregon Liquor Control Commission has:

- **X** Amended
- Adopted
- Repealed

OAR 845-015-0175

Effective: 6/29/16

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

845-015-0175

**General Requirements for Advertising in by a Retail Sales Agent Liquor Store**

(1) Advertising Liquor in a Retail Liquor Store. ORS 471.750(2) allows signs and displays advertising distilled spirits products in retail liquor stores and gives the Commission the authority to regulate this advertising. The Commission prohibits advertising liquor in a retail liquor store other than as permitted by this rule and OAR 845-015-0175.

(2) General Requirements. The Commission allows signs and displays that:

(a) Comply with ORS 471.750(2), and Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations;

(b) Are temporary in nature and not permanent fixtures in the retail liquor store;

(c) Are truthful, in good taste and not lewd, sexist or racist;

(d) Do not obstruct another distillery’s products;

(e) Advertise a rebate (as OAR 845-015-0165 allows), sweepstakes or offer a premium or an on-pack for the consumer. However,

(A) The sweepstakes or premium offer must not require the purchase of liquor in order to receive a prize or merchandise, unless the manufacturer or distillery representative donates the prize or merchandise to a charitable cause or community non-profit entity.

(B) When the on-pack is liquor, it must:

(i) Not exceed one 50 ml per bottle, unless an exception is approved by Commission staff;
(ii) Not be a size that has a current, regular listing;

(iii) Be attached to a non-like product; and

(iv) Be attached only to bottles 750 ml in size or larger.

(3) Signs and displays must not contain:

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

(e) A person appearing to be under 26 years of age displayed drinking an alcoholic
beverage;

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

(g) Statements or illustrations that an alcoholic beverage causes athletic or sexual or
artistic success or sexual prowess;

(h) Material that encourages excessive or rapid consumption.

(4) In addition to the requirements and restrictions in sections (2) and (3) of this rule, the
Commission may prohibit any sign it deems inappropriate for use in a retail liquor store.

(5) The Commission retains the right to remove point of sale material(s) the
Commission finds objectionable.

(6) The Commission allows and must approve the sale and distribution of on-packs.

(7) For this rule:

(a) “Sweepstakes” means a contest for prizes not prohibited by law and offered by a
distillery or its representative. A participant may pick up an entry blank at a retail liquors
tore, but any prize must be delivered to the winner at a location other than a retail
liquor store.

(b) “Premium” means an item, offered to promote a product, which a person may order
from the distillery or its representative. A person may pick up an order form at a retail
liquor store, but the item must be delivered at a location other than a retail liquor store. Examples of a premium include t-shirts, watches, and cameras.

(c) “On-pack” means any item, including distilled spirits, attached to a distilled spirits product for sale in retail liquor stores.

(1) The Commission allows advertising by retail sales agents through media and other forms that are not prohibited by statute or rule.

(2) Advertising may not:
   (a) Be false, misleading or discriminatory;
   (b) Make claims that any government agency endorses or supports the distilled spirits product;
   (c) Include materials so appealing to minors that it encourages them to purchase, possess or drink distilled spirits;
   (d) Be included in any material that is for the purpose of youth or minor viewership (i.e. school yearbooks);
   (e) Use a person appearing to be under 26 years of age displayed drinking distilled spirits;
   (f) Use material that encourages the use of distilled spirits because of its intoxicating effect;
   (g) Include the words, “OLCC” or “State of Oregon”;
   (h) Include material that encourages excessive or rapid consumption;
   (i) Be purchased or given by a manufacturer, wholesaler, distributor, or a person representing a distillery, or a Full On-Premises licensee on behalf of a retail sales agent, except as otherwise allowed by statute or rule. (See ORS 471.750(4) and OAR 845-015-0177);
   (j) Be placed in media that is being purchased by a Full On-Premises licensee or material advertising a Full On-Premises licensee in a liquor store.
   (k) Promote a licensee, sweepstake, premium, on-pack or non-tasting distilled spirit events as those terms are defined in OAR 845-015-0177.

(3) To inform the public of distilled spirit access, retail liquor stores must have exterior “Liquor” sign(s) that are highly visible, attractive, easy to read, compatible with the location and that conform to local ordinances.

(a) Retail liquor stores located within another retail business or building may place an exterior sign at the immediate entrance to the retail liquor store.

(b) Exterior signs may be placed off the property that the retail liquor store occupies with written permission from the owner of the property where the sign will be located. Upon request from the Commission, retail sales agents will need to provide evidence of the property owner’s permission.
(c) Signs and sign hardware must be maintained, clean, fully functional, undamaged and freshly painted. Signs and hardware that appear worn or faded must be replaced.

(4) All distilled spirit advertising that a retail sales agent uses must conform to this rule. Prior approval of advertising material is not normally required. However, a retail sales agent who fails to comply with this rule may be required to submit future distilled spirit advertising material to the Commission for prior approval to ensure compliance with OLCC rules. The Commission will specify a reasonable period of time during which prior approval is required.

(5) Retail sales agents must remove any sign, display, or advertisement found by the Commission to violate this rule or OAR 845-015-0177, or both rules. The Commission will specify a reasonable time by which the retail sales agent must remove the objectionable advertising.

(6) Retail sales agents may advertise distilled spirits tasting promotions.

(7) Retail sales agents may advertise lottery sales in their retail liquor store advertisements.

Stat. Auth.: ORS 471, including 471.030, 471.730(1)&(5) & 471.750
Stats. Implemented: ORS 471.750(2)