



## PERMANENT ADMINISTRATIVE ORDER

### OLCC 1-2023

CHAPTER 845

OREGON LIQUOR AND CANNABIS COMMISSION

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FILING CAPTION: This rule sets requirements for advertising in a retail liquor store.

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AMEND: 845-015-0177

RULE TITLE: Advertising in a Retail Liquor Store

NOTICE FILED DATE: 12/20/2022

RULE SUMMARY: This rule sets requirements for advertising in a retail liquor store.

RULE TEXT:

(1) Definitions: As used in this rule:

(a) "Sweepstake" means a contest for prizes not prohibited by law and offered by a manufacturer or a person representing a distillery.

(b) "Premium" means an item, offered to promote a product, which a person may order from a manufacturer or person representing a distillery. Examples of a premium include t-shirts, watches, and personalized bottle labeling.

(c) "On-pack" means any item approved by the commission that is attached to or packaged with a distilled spirits product.

(2) The Commission allows product signs and displays that:

(a) Comply with this rule, ORS 471.750(4), OAR 845-015-0175(2) and Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations;

(b) Do not obstruct another distillery's products;

(c) Advertise or display a manufacturer's, wholesaler's, distributor's, or the distillery's product in conjunction with the approved items described in OAR 845-015-0143; and

(d) Advertise a rebate (as allowed by OAR 845-015-0165), sweepstake or offer a premium or an on-pack for the consumer when the sign or display meets the requirements of (a), (b), (c) and (d).

(3) If a retail sales agent chooses to allow signs and displays in the retail liquor store, each manufacturer, wholesaler, distributor, or distillery must be given a reasonable opportunity to advertise.

(4) If the total value of the sign or display in section (3) is \$500 or more, then the item can only be loaned to the retail sales agent, must be clearly marked as the property of the manufacturer, wholesaler, distributor, or distillery representative, marked with the date the loan begins, and can only be loaned for a maximum of 90 days per calendar year. At no time can a loan period exceed more than 90 consecutive days. The manufacturer, wholesaler, distributor, or distillery representative can only have one such sign or display at any one time in any one liquor store. The value of a

sign or display is the actual cost to the supplier who initially purchased it. Transportation and installation costs are excluded.

(5) Nothing in this rule requires a retail sales agent to order distilled spirits for use in a display, sweepstake or promotion. Empty case boxes may be used, if necessary.

(6) A retail sales agent may not request, accept, give away or remove on-packs or sweepstake, or premium items from the store at any time or otherwise use the items for personal or business gain. Displays and signs may be removed by the manufacturer, wholesaler, distributor, or a person representing a distillery. Retail sales agents may dispose of old and unused displays and signs, but retail sales agents must not use these items for personal or business gain.

(7) The Commission provides price tags which retail sales agents shall place in front of each brand and size of distilled liquor. If a brand is displayed in more than one area, the retail sales agent must provide tags comparable in quality and style as the price tags OLCC provides and that they be placed in front of each brand and size.

(8) A sweepstake or premium offer must not require the purchase of liquor in order to receive a prize, merchandise or other thing(s) of value, unless the manufacturer, wholesaler, distributor, or distillery representative donates the prize or merchandise to a charitable cause or community non-profit entity. A sweepstake participant may complete an entry blank at a retail liquor store, but a person representing a manufacturer, wholesaler, distributor, or distillery must draw the entry at the end of the promotion and contact the winner. Any sweepstake or premium must be delivered to the winner at a location other than a retail liquor store. Retail sales agents, liquor store personnel, commission staff or their immediate family living in the same household cannot participate in a sweepstake.

(9) When an on-pack is offered, the on-pack item must not be removed or sold separately from the original bottle unless directed by OLCC. Unless an exception is approved by Commission staff, on-packs of liquor must:

(a) Not exceed two 50 ml per original bottle;

(b) Not be a size that has a current listing; and

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

(10) The Commission retains the right to remove signs and displays the Commission finds objectionable or are inappropriate for use in a retail liquor store.

STATUTORY/OTHER AUTHORITY: ORS 471, 471.030, 471.730(1), (5), 471.750

STATUTES/OTHER IMPLEMENTED: ORS 471.750(2)