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Rule 4301:1-1-44 Advertising

Ohio Administrative Code

Ohio Liquor Control Commission (OAC 4301:1) General Provisions

Rule 4301:1-1-44 Advertising

Authorized by 4301:03

Amplifies: 4301.03(B), 4301.03(E), 4301.22, 4301.24

(A) Definitions. For purposes of this rule:

(1) "Advertisement" means any written or verbal statement, illustration, or depiction created to induce sales through a combination of letters, pictures, objects, lighting effects, illustrations, or other similar means. "Advertisement" does not include a label on an alcoholic beverage container.

(2) "Sign" means a lettered board or placard placed in the interior of or in the exterior windows of a permit premises to advertise the business transacted within or the alcoholic beverages sold by the permit holder, by displaying the brand name, trade name, designation, or other emblem indicating the manufacturer, supplier, or wholesale distributor of such alcoholic beverages.

(B) Manufacturers, suppliers, and wholesale distributors of alcoholic beverages, and retail permit holders are permitted to advertise their products in Ohio via print or electronic media or signage. Advertisements may include the retail price of alcoholic beverages.

(C) Manufacturers and suppliers of spirituous liquor may advertise their products in Ohio, and such advertisements may contain the statement that spirituous liquor may be purchased in original containers for consumption off the premises where sold, together with the prices established and published by the division.

(D) Prohibited and permitted activities.

(1) No billboard advertisement of any brand of alcoholic beverage is permitted within five hundred feet of any church, school, or public playground. No advertisement shall be permitted on any public or non-public elementary or secondary school property.

(2) No advertisement shall condone or encourage excessive use of alcoholic beverages, nor shall any advertising portray intoxication.

(3) No advertisement shall represent, portray, or make any reference to children.

(4) No advertisement shall represent, portray, or make any reference to Santa Claus.

(5) Manufacturers, suppliers, and wholesale distributors of alcoholic beverages may send direct mail advertisements to a retail permit holder or the general public. In the use of direct mail advertisements, manufacturers, suppliers, and wholesale distributors may refer to retail prices.

(6) The advertisement of any alcoholic beverage shall not contain any statement that is false or untrue in any material particular, or that, irrespective of falsity, directly, or by ambiguity, omission, or inference, or by the addition of irrelevant, scientific, or technical matter tends to create a misleading impression.

(E) ~~Unless otherwise permitted, no manufacturer, supplier, or wholesale distributor of alcoholic beverages may sponsor or participate in any advertising for or with any retail permit holder.~~

(F) ~~Except as provided for in this paragraph, no manufacturer, supplier, or wholesale distributor of alcoholic beverages shall state in any way or give the name or address of any permit holder where the alcoholic beverages handled by such manufacturer, supplier, or wholesale distributor may be obtained or purchased. A manufacturer, supplier, or wholesale distributor may state or give the name or address of a permit holder where the alcoholic beverages handled by such manufacturer, supplier, or wholesale distributor may be obtained or purchased when the manufacturer, supplier, or wholesale distributor meets all of the following requirements. The manufacturer, supplier, or wholesale distributor:~~

(1) ~~Is responding to a direct inquiry from a consumer received by telephone, mail, an electronic inquiry, or in person.~~

(2) ~~Provides the names of two or more unaffiliated retail permit holders.~~

(3) ~~Provides written text only, graphics or images being prohibited.~~

(4) ~~Lists only the following information about the unaffiliated retail permit holders: the name of the retail permit holder, the permit premises address, web site address, electronic mail address, and telephone number.~~

(5) ~~Provides no other information about the retail permit holders. This prohibition includes but is not limited to product prices or a description of the retail permit holder's services.~~

(6) ~~Provides the information on each retail permit holder in identical format, and~~

(7) ~~Pays all costs for the production of the provision of the information. The manufacturer, supplier, or wholesale distributor may not accept compensation or any other thing of value for the provision of the information.~~

(G) Signs or advertisements on a permit premises.

(1) Electric or neon signs, advertising any individual brand of alcoholic beverage, may be displayed in the exterior windows or interior of any retail permit premises, provided that not more than two such signs may be displayed in all of the exterior windows of the retail permit premises.

(2) Signs or advertisements, other than electric or neon, advertising an individual brand of alcoholic beverage, may be displayed within the permit premises or in the exterior windows of a retail permit premises without limitation as to size or number.