

PUBLIC PROTECTION CABINET
Department of Alcoholic Beverage Control
(Amended at ARRS Committee)

804 KAR 1:102. General advertising practices.

RELATES TO: KRS 244.130, 244.500, 244.590

STATUTORY AUTHORITY: KRS 241.060(1), 244.130

NECESSITY, FUNCTION, AND CONFORMITY: KRS 244.130 authorizes the Alcoholic Beverage Control Board to regulate the advertising of alcoholic beverages. This administrative regulation establishes standards for advertising in a manner consistent with modern marketing practices.

Section 1. Definition. "Social media" means all forms of electronic communication through which users create online communities to share information, ideas, personal messages, and other content.

Section 2.

- (1) A licensee may use outdoor advertising.
- (2) If outdoor advertising is used by a manufacturer, producer, brewer, winery, distributor, or wholesaler, it shall not:
 - (a) Include a retail licensee's name or business designation (DBA); or
 - (b) Refer to a retail licensee in any other way.

Section 3. A licensee may advertise in material directed to the home or business of a consumer if the advertising material is in conformity with KRS 244.130 and this administrative regulation.

Section 4.

- (1) Except as provided by subsections (2) and (3) of this section, advertising novelties may be used.
- (2) A licensee shall not require the purchase or consumption of an alcoholic beverage as a condition for the sale, gift, or reduction in price of an advertising novelty.
- (3) Except as provided by KRS 244.590(2)(a), a malt beverage distributor shall not sell, give away, or furnish advertising novelties, in any manner to a retail licensee.

Section 5. A licensee may advertise by means of radio and television.

Section 6. A licensee may advertise by means of the Internet and social media.

Section 7.

- (1) A licensee may sponsor or cosponsor athletic leagues, tournaments, contests, and charitable events if the consumption or purchase of alcoholic beverages is not a requirement for participation.
- (2) A licensee sponsoring or cosponsoring an event described in subsection (1) of this section upon a retail licensed premises shall not require the retail licensee to purchase, sell, or distribute the products of the sponsoring licensee as a condition for participation in or in connection with the event.

Section 8. A licensee shall not use the terms "free", "complimentary", or any other terms, that imply or suggest giveaways in the advertising of alcoholic beverages.

Section 9. A licensee shall not advertise a product, service, or activity if the licensee is prohibited by statute or administrative regulation from selling, providing, or conducting it.

Section 10. This administrative regulation shall not be interpreted to relate to direct shipping in accordance with KRS 241.060(1).

(48 Ky.R. 2884; 49 Ky.R. 344; eff. 11-1-2022.)

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