

14B NCAC 15B .1003 PROHIBITED STATEMENTS IN ADVERTISING OR ON LABELS

(a) General Restrictions. An advertisement or product label on any alcoholic product sold or distributed in this State shall not contain any statement, design, device, or representation that:

- (1) is contrary to the Federal Alcohol Administration Act, 27 C.F.R. Sections 4.39, 4.64, 5.42, 5.65, 7.29, or 7.54, as interpreted by the Commission. The provisions of 27 C.F.R. Sections 4.39, 4.64, 5.42, 5.65, 7.29, and 7.54 referenced in this Rule are hereby incorporated, including subsequent amendments and editions, and may be accessed for free at <https://www.gpo.gov>;
- (2) depicts the use of alcoholic beverages in a scene that is determined by the Commission to be undignified, immodest, or in bad taste;
- (3) offers a prize or award upon the completion of any contest in which there is a requirement to purchase the advertised product, except as otherwise permitted pursuant to 14B NCAC 15C .0714, provided that no advertisement shall promote a game of chance or a lottery;
- (4) promotes or encourages the sale to, or use by, persons under 21 years of age of alcoholic beverages, including any representation portraying a person under 21 years of age consuming alcoholic beverages;
- (5) is inconsistent with the State laws of public safety or safe driving.
- (6) is contrary to State laws and rules governing sale, storage, or consumption of alcoholic beverages;
or
- (7) is otherwise prohibited pursuant to a rule in this Chapter.

*History Note: Authority G.S. 18B-100; 18B-105; 18B-206; 18B-207;
Eff. January 1, 1982;
Amended Eff. July 1, 1992; May 1, 1984;
Pursuant to G.S. 150B-33(b)(9), Administrative Law Judge James L. Conner II, declared Rule 04 NCAC 02S .1005(a)(3) void as applied in Daniel W. Shelton t/a Shelton Broers v. NC Alcoholic Beverage Control Commission (99 ABC 1641);
Transferred and Recodified from 04 NCAC 02S .1005 Eff. August 1, 2015;
Readopted Eff. July 1, 2018.*