

#### **14B NCAC 15B .1013 REFUND OFFERS**

(a) General. Refund offers may be used to advertise spirituous liquor. Refund offers may be advertised by newspaper, magazine, direct mail, the Internet, or other electronic means.

(b) Conditions. A refund offer is an offer to a purchaser for a rebate of money or merchandise from a liquor industry member, obtained by submitting a form. A refund offer is allowed under the following conditions:

- (1) A refund may be offered only by a manufacturer, importer, distiller, recifier, or bottler of spirituous liquor.
- (2) A refund may be offered only to purchasers of the manufacturer's original unopened container of liquor that is purchased from an ABC store.
- (3) A refund may be offered in any of the following ways:
  - (A) When the redemption form is a part of or attached to the package or container, or when the forms are available on tear-off pads displayed in the store. Any offer that is a part of or attached to the package or container shall be placed there by the industry member who offers the refund.
  - (B) When the redemption form is part of an electronic refund procedure or software application made available by the industry member or its designated redemption agent.
- (4) The redemption form shall include a statement that the person redeeming the refund must be at least 21 years of age.
- (5) A refund offer shall apply throughout the State.
- (6) A refund offer shall include an expiration date.
- (7) A refund offer shall include a statement explaining the redemption procedure, including the expiration date and length of time before the refund is sent to the purchaser. Refund offers shall be redeemed by submitting the redemption form to the industry member who offers the refund or its designated redemption agent in the manner required by the industry member, either by mail or electronically. The designated redemption agent shall not be a retail or wholesale permittee in the State.
- (8) An industry member shall notify the Commission at least 10 days before it provides a refund offer on liquor. The notice shall state the proposed amount of the refund, its expiration date, to whom redemption forms shall be submitted, and the name, address, and phone number of the redemption agent. The notice shall also include a sample of the redemption form or the redemption procedure.
- (9) A local board member or board employee shall not submit a redemption form for a refund under this Rule except for purchases of spirituous liquor the local board member or board employee has made.

(c) Commercial Bribery; Cooperative Advertising. No local board member, board employee, retailer, or retailer employee shall accept and no industry member shall pay any fee for the display or use of refund offers. The name of a retail business or retail permittee shall not appear on any refund offer.

(d) Advertising Limits. No refund offer for liquor may be advertised on the premises of any retail permittee.

*History Note: Authority G.S. 18B-100; 18B-105(b); 18B-207;  
Eff. June 1, 1987;  
Amended Eff. July 1, 1992;  
Transferred and Recodified from 04 NCAC 02S .1020 Eff. August 1, 2015;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20, 2016;  
Amended Eff. October 1, 2019.*