
TITLE 4 ALCOHOLIC BEVERAGE CONTROL
DELAWARE ADMINISTRATIVE CODE

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DEPARTMENT OF SAFETY AND HOMELAND SECURITY
OFFICE OF THE ALCOHOLIC BEVERAGE CONTROL COMMISSIONER

1300 Advertising and Promotion of Alcoholic Liquor

Rule 1301 (Formerly Rule 27) Advertising and Promotion of Alcoholic Liquor

1.0 Definition

"**Advertisement**" or "**Promotion**" shall mean any written or oral statement, illustration, or depiction which is intended to induce sales of alcoholic liquor or related services in the State of Delaware, whether it appears in a newspaper, magazine, trade booklet, menu, wine card, leaflet, circular, mailer, book insert, catalog, promotional material, sales pamphlet, or any written, printed, graphic, or other matter accompanying the bottle, billboard, sign, other outdoor display, public transit card, other periodical, literature, publication, or in any radio or television transmission, internet, digital media or in any other media.

The definition shall not include:

- The label affixed to bottles of alcoholic liquors, individual covering carton, or other primary container, or
- Any editorial or other reading matter, such as a press release, in a periodical, publication, or newspaper for the publication of which no money or valuable consideration is paid or promised, directly or indirectly, by a licensee.

2.0 Applicability

This rule shall govern the procedure by which all licensees of the Commissioner advertise or promote the sale of alcoholic liquor within and without the state. In addition, this rule shall govern the procedure by which retail licensees may jointly advertise or promote the sale of alcoholic liquor.

3.0 Prohibited Acts

- 3.1 No person licensed by the Commissioner shall sell or offer to sell alcoholic liquor by means of any advertisement or promotion including any statement, representation, symbol, depiction, or reference, directly or indirectly, which:
 - 3.1.1 Would reasonably be expected to induce minors to purchase or consume alcoholic liquor.
 - 3.1.2 Would reasonably be expected to induce any person to consume alcoholic liquor to excess.
 - 3.1.3 Is illegal under any federal, state, or local law, or Commissioner rule.
 - 3.1.4 Makes any humorous or frivolous reference to, or is suggestive of, the intoxicating effects of alcoholic liquor.
 - 3.1.5 Is false or misleading in any material respect, or implies that the product has a curative or therapeutic effect.
- 3.2 No person, corporation, partnership, or other entity licensed by the Commissioner to sell alcoholic liquor shall engage in any deceptive or misleading advertising, or cause or permit his/her name to appear in, or be used in conjunction with, any deceptive or misleading advertisement or promotion of alcoholic liquor.

4.0 Signs on Licensed Premises

- 4.1 No package store licensee shall display any sign on the exterior or in the interior of a licensed premises which contains or advertises:
 - 4.1.1 The name, trade name, trademark, symbol, or logo-type of any other retail licensee, or of any unlicensed person, corporation, cooperative advertising group or business entity, or
 - 4.1.2 Any trade name, trademark, insignia, symbol, or logo-type not belonging exclusively to such licensee, unless there is prominently posted, at or near each public entrance, check-out counter, and cash register a sign containing the following statement:

NOTICE TO CONSUMERS:

THIS STORE IS INDEPENDENTLY OWNED AND OPERATED.
IT IS NOT PART OF ANY CHAIN OR COOPERATIVE SALES GROUP.

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