

LICENSING AND REGULATORY AFFAIRS

LIQUOR CONTROL COMMISSION

ADVERTISING

(By authority conferred on the liquor control commission by section 215(1) of 1998 PA 58, MCL 436.1215(1), and Executive Reorganization Order No. 2011-4, MCL 445.2030)

R 436.1301 Rescinded.

History: 1979 AC; 1981 AACS.

R 436.1303 Beer.

Rule 3. Beer shall not be advertised in this state unless the advertising is in accordance with these rules and the federal malt beverage regulations published in 27 C.F.R., part 7, subpart F, 1936, as amended, as of January 1, 1975, which are incorporated herein by reference. Copies of the federal regulations are on file and available to the public in the Lansing office of the commission at cost.

History: 1979 AC.

R 436.1305 Wine.

Rule 5. Wine shall not be advertised in this state unless the advertising is in accordance with these rules and the federal wine regulations published in 27 C.F.R., part 4, subpart G, 1935, as amended, as of January 1, 1975, which are incorporated herein by reference. Copies of the federal regulations are on file and available to the public in the Lansing office of the commission at cost.

History: 1979 AC.

R 436.1307 Spirits.

Rule 7. Distilled spirits shall not be advertised in this state unless the advertising is in accordance with these rules and the federal distilled spirits regulations published in 27 C.F.R., part 5, subpart H, 1969, as of January 1, 1975, which are incorporated herein by reference. Copies of the federal regulations are on file and available to the public in the Lansing office of the commission at cost.

History: 1979 AC.

R 436.1309 Advertising approval.

Rule 9. The commission reserves the right to review and reject advertising not in accordance with these rules. Upon written order of the commission, a manufacturer, an outstate seller of beer, an outstate seller of wine, or a wholesaler shall furnish full information as to the advertising to enable the commission to review the advertising.

History: 1979 AC; 1989 AACS.

R 436.1311 Prohibited advertising.

Rule 11. An advertisement or label affixed to a container, covering, carton, or case of containers of alcoholic liquor shall not depict or make reference in any manner to minors.

History: 1979 AC.

R 436.1313 Inside advertising signs and displays.

Rule 13. (1) Except as provided for in this rule, a retail licensee shall ensure that an advertising sign for alcoholic liquor that is used inside the licensee's premises is an unilluminated sign that does not have a total area of more than 3,500 square inches.

(2) The total area of any other sign that is attached to, or a necessary part of, a sign is included in the 3,500 square inches limitation.

(3) A sports/entertainment venue may utilize illuminated advertising signs and advertising signs that have a total area of more than 3,500 square inches in the arena area, concourse area, or private suite areas.

(4) Any of the following entities may provide and install illuminated advertising signs and advertising signs that have a total area of more than 3,500 square inches per sign inside the arena area, concourse area, or private suite areas of a sports/entertainment venue as defined by R 436.1001(u):

- (a) A brewer.
- (b) A micro brewer.
- (c) A wine maker.
- (d) A small wine maker.
- (e) An outstate seller of beer.
- (f) An outstate seller of wine.
- (g) An outstate seller of mixed spirit drink.
- (h) A manufacturer of spirits.
- (i) A manufacturer of mixed spirit drink.
- (j) A vendor of spirits.

History: 1979 AC; 1994 AACS; 2000 AACS.

Editor's Note: An obvious error in R 436.1313(4) was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in Michigan

Register, 2002 MR 20. The memorandum requesting the correction was published in Michigan Register, 2003 MR 11.

R 436.1315 Retail advertising space.

Rule 15. A manufacturer, an outstate seller of beer, an outstate seller of wine, or a wholesaler shall not sell or in any manner furnish to a retail licensee, and a retail licensee shall not accept, either of the following:

- (a) Advertising which has the name of the retail licensee on the advertising.
- (b) Money or other valuable consideration for advertising space in or upon the premises of the retail licensee.

History: 1979 AC; 1989 AACS.

R 436.1317 Brand promotion.

Rule 17. (1) A salesperson or a vendor representative may do any of the following, on the licensed premises of a person who is licensed only to sell alcoholic liquor at retail for consumption off the licensed premises, with alcoholic liquor that is owned by the off-premises retail licensee:

- (a) Build a display of those brands that are represented or sold by the salesperson or vendor representative.
- (b) Mark the price on those brands that are represented or sold by the salesperson or vendor representative.
- (c) Rotate those brands that are represented or sold by the salesperson or vendor representative.
- (d) Place those brands that are represented or sold by the salesperson or vendor representative on shelves.

(2) A salesperson or vendor representative shall not remove from shelves, or rearrange or otherwise disturb, any brand of alcoholic liquor that is not represented or sold by the salesperson or vendor representative.

History: 1979 AC; 1992 AACS.

R 436.1319 Cooperative advertising.

Rule 19. (1) There shall not be cooperative advertising:

- (a) Between a manufacturer, an outstate seller of beer, an outstate seller of wine, and a retail licensee.
- (b) Between a wholesaler and a retail licensee.
- (c) Between a manufacturer, an outstate seller of beer, an outstate seller of wine, and a wholesale licensee.

(2) A manufacturer, an outstate seller of beer, or an outstate seller of wine may:

- (a) Pay the cost of painting the trucks of a wholesale licensee.
- (b) Supply brand logo decals and advertising mats to a wholesale licensee without cost.

(c) Use the name of his wholesaler in his advertising.

(3) The name of a retail licensee shall not appear in the advertising of a manufacturer, an outstate seller of beer, an outstate seller of wine, or a wholesaler.

History: 1954 ACS 84, Eff. Oct. 3, 1975; 1979 AC.

R 436.1321 Contests and advertising articles.

Rule 21. (1) There shall not be advertising of alcoholic liquor connected with offering a prize or award on the completion of a contest, except upon prior written approval of the commission.

(2) Spirits shall not be advertised on the premises of a retail licensee, except as provided in these rules or upon prior written approval of the commission.

(3) There shall not be advertising of alcoholic liquor on anything which has any value, use, or purpose other than the actual advertising value, except upon written order of the commission.

(4) Advertising material which does not contain the name of a retail licensee and does not have a secondary value, but explains the production, sale, or consumption of alcoholic liquor may be published and distributed in this state.

(5) Alcoholic liquor recipe literature which does not contain the name of a retail licensee may be published and distributed in this state.

(6) All gambling devices, including punch boards and games of any description used for advertising purposes, are prohibited.

(7) A manufacturer, an outstate seller of beer, an outstate seller of wine, or a wholesaler may sell novelty items bearing brand logo type, upon written order of the commission. These novelty items shall not be sold below their cost by the manufacturer, outstate seller of beer, outstate seller of wine, or wholesaler.

(8) A licensee licensed to sell alcoholic liquor for consumption on the premises shall not sell, give, or furnish to anyone, novelty items bearing brand logo type on the licensed premises, nor shall the licensee use novelty items on the licensed premises except upon written order of the commission.

History: 1979 AC.

R 436.1323 Team sponsorship.

Rule 23. (1) A licensee may own or sponsor and furnish equipment for an athletic team under his own license name. The name of the sponsor may appear on the team uniform.

(2) A licensee shall not aid or assist another licensee by sponsoring or equipping athletic teams and a licensee shall not accept such aid or assistance.

History: 1979 AC.

R 436.1325 Calendars and matchbooks.

Rule 25. (1) A manufacturer, an outstate seller of beer, an outstate seller of wine, or a wholesaler shall not give anything of value to a customer.

(2) A manufacturer, an outstate seller of beer, an outstate seller of wine, or a wholesaler may give a calendar and matchbooks to a customer if nothing of value is attached to, or given with, the calendar or matchbooks.

(3) A manufacturer, an outstate seller of beer, an outstate seller of wine, or a wholesaler shall not sell, give, or furnish a retail licensee with calendars or matchbooks to be given to the customers of the retail licensee, except upon written order of the commission.

(4) A manufacturer, an outstate seller of beer, an outstate seller of wine, or a wholesaler may advertise on calendars.

History: 1979 AC.

R 436.1327 Rescinded.

History: 1979 AC; 1989 AACS.

R 436.1329 Displays.

Rule 29. (1) A manufacturer, a vendor of spirits, an outstate seller of beer, an outstate seller of wine, or a wholesaler may not sell or in any manner furnish or install, and a retail licensee may not accept, a permanent display in the licensed premises of a retail licensee.

(2) A manufacturer, a vendor of spirits, an outstate seller of beer, or an outstate seller of wine may furnish and install a temporary bin display that has a capacity of up to 15 cases of 24 12-ounce or 0.375-liter containers or the equivalent in other sizes of beer, wine, or spirits on the premises of a retail licensee who is licensed for off-premises sales only.

(3) A wholesaler may install, on the premises of a retail licensee who is licensed for off-premises sales only, a temporary bin display that has been provided without charge by a manufacturer, an outstate seller of beer, or an outstate seller of wine.

(4) A retail licensee shall ensure that every temporary bin display installed on its premises clearly indicates by a tag, a stamp, a label, or other method that is securely affixed to the temporary bin display, the date upon which the temporary bin display was installed.

(5) The advertising on a temporary bin display shall be excluded from the 3,500-square inch limit on inside retail advertising signs.

History: 1979 AC; 1986 AACS; 1994 AACS.

R 436.1331 Dispenser signs.

Rule 31. (1) Alcoholic liquor dispensing equipment shall have the brand of alcoholic liquor designated by a sign on the dispenser or on the tap.

(2) A licensee shall not draw from a dispenser or tap a brand of alcoholic liquor other than that brand designated by the dispenser sign or tap marker.

History: 1979 AC.

R 436.1333 Rescinded.

History: 1979 AC; 1984 AACS; 1989 AACS; 1998-2000.

R 436.1335 Rescinded.

History: 1979 AC; 1989-2000 AACS; 2013 MR 5, Eff. March 7, 2013.

R 436.1337 Rescinded.

History: 1979 AC; 1985 AACS.

R 436.1339 Rescissions.

Rule 39. Rules 15 to 23 and 25 to 28 of the rules entitled, "Rules and Regulations Governing the Relationship Between Licensed Manufacturers, Wholesalers of Alcoholic Liquors, Their Sales Representatives and Retail Licensees," being R 436.535 to R 436.543 and R 436.545 to R 436.548 of the Michigan Administrative Code and appearing on pages 5384 to 5386 of the 1954 volume of the Code, are rescinded.

History: 1979 AC.