

LAW ON ADVERTISING OF ALCOHOLIC BEVERAGES

The Liquor Code permits licensees to advertise their products and prices in Pennsylvania subject to certain conditions. The Liquor Code defines the term “advertisement” as any advertising of alcoholic beverages by radio or television broadcast, newspapers, periodical or other publications, outdoor advertisement, any form of electronic transmission including internet and text messaging, or any other printed or graphic matter, including booklets, flyers or card, or on the product label or attachment itself.

Advertisements that reference alcoholic beverages, their availability, or their prices are regulated by the Liquor Code. Any advertisement that does not make reference to alcoholic beverages, the availability of alcoholic beverages, or the price of alcoholic beverages is not considered an advertisement for purposes of the Liquor Code, and therefore, is not subject to restrictions. For example, advertisements that list the name, address, phone number, hours of operation, and/or availability and type of food or nonalcoholic beverages offered by a licensee are permitted anywhere in Pennsylvania without restriction.

The conditions placed upon advertisements by the Liquor Code are as follows: (1) the entity responsible for the advertisement must be clearly identified in the advertisement; (2) the advertisement cannot be obscene; (3) the advertisement cannot be inconsistent with the spirit of safety or safe driving programs; and (4) the advertisement cannot be directed towards minors. The use of any subject matter, language, or slogan directed to minors to promote the consumption of alcoholic beverages is prohibited. However, this does not prohibit or restrict advertisements to those persons of legal drinking age, even though some minors may be exposed to it.

Additional restrictions apply to printed advertisements of alcoholic beverages, their availability, and/or their prices. These restrictions impact advertisements via circulars/flyers, in educational publications, and within certain distances of churches, schools, or public playgrounds.

The Liquor Code prohibits a licensee from distributing by mail price lists, circulars, or handbills off the licensed premises to the general public as a means of advertising alcoholic beverages. An advertisement that only mentions a licensee’s name, address, and/or availability of food and nonalcoholic beverages can be distributed by the licensee to the general public off the licensed premises. In addition, it is permissible to send such mailings advertising the availability of alcoholic beverages and/or their prices to a distinct group of individuals of legal drinking age who have specifically requested to receive such mailings from a particular licensee. It is permissible for licensees to advertise in local community newspapers. Further, licensees may distribute price lists, circulars, and handbills on their licensed premises regardless of their content.

The Liquor Code also prohibits advertisements from appearing, either directly or indirectly, in any booklet, program book, yearbook, magazine, newspaper, periodical, brochure, circular, or other similar publication, published by, for, or on behalf of any educational institution. However, an advertisement merely indicating the name and address of a licensee or a

licensed premises, or an advertisement which indicates which nonalcoholic products may be acquired at the licensed premises and which makes no reference to the availability of alcoholic beverages is permissible. Furthermore, advertisements in magazines, newspapers, or other periodicals which have no connection to an educational institution other than the fact that the school may subscribe to that particular newspaper are permissible.

Any written advertisements of alcoholic beverages within 300 feet of a church, school, or public playground are prohibited by the Liquor Code. These types of advertisements are usually contained on banners, billboards, and sign boards. However, any such advertising that is located inside the licensed premises, such as menus and banners, is permitted even though the advertising can be seen from the outside of the premises.

The aforesaid information is a general overview of law pertaining to advertisements of alcoholic beverages by licensees. For a more detailed description, or if you have any questions concerning liquor law, please do not hesitate to contact me at 1-877-LAW-2555.

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