

Advertising Alcoholic Beverages in Pennsylvania

Since I receive inquiries from licensees regarding the legality of advertising of alcoholic beverages in Pennsylvania, I feel it prudent to review the general rules regarding advertising.

Act 199 of 1996 lifted the ban on alcoholic beverage price advertising in Pennsylvania. However, the law imposed certain additional rules on both price advertising and the advertising of alcoholic beverages in general.

All alcoholic advertisements are subject to the following conditions: (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 to 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 the advertisement.

Only advertisements that reference alcoholic beverages, their availability or their prices are regulated by the Liquor Code. Any advertisement or message of any manufacturer, wholesaler, retailer, shipper, or licensee 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 the purposes of the Liquor Code, and therefore, is not subject to the conditions found in the Liquor Code. For example, advertisements that list the name, address, telephone number, hours of operation, and/or availability and type of food or nonalcoholic beverages of a licensee are permitted anywhere in Pennsylvania without restriction.

Finally, the term “advertisement” is defined in the Liquor Code as any advertising of alcoholic beverages by radio or television broadcast, newspapers, periodicals 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, cards, or on product label or attachment.

If you have any questions regarding advertising issued, please contact me for a free consultation at 1-877-LAW-2555.

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