

ALCOHOL BEVERAGE SPECIALS or How Not to

Unlawfully Advertise Drink Specials, Featured Drinks, or Pricing Discounts:

Utah Code [32B-1-206](#) authorizes the commission to establish guidelines for the advertising of alcoholic beverages. All advertising of liquor and beer by licensed retailers shall comply with operational requirements found in [32B-5-305](#) and the advertising requirements listed in [Section \(6\) of rule R82-1-104](#).

THINK FIRST!
WHAT'S
WRONG WITH
THIS
ADVERTISING?



THE DEFINITION OF ADVERTISEMENT:

... includes any written or verbal statement, illustration, or depiction which is calculated to induce alcoholic beverage sales, 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 container, representations made on cases, billboard, sign, or other public display, public transit card, other periodical literature, publication or in a radio or television broadcast, or any other media . . .

ADVERTISEMENTS MAY NOT:



1. Contain any statement, design, device, or representation that is false or misleading.

FOR EXAMPLE: A regular martini on the menu is \$8.00, but the next day martinis are advertised for \$5.00. The proprietor perhaps thought it was O.K. because he made it cheaper with a less expensive liquor or a smaller quantity of alcohol (thus the price to the customer is cheaper), but the customer must know this information about their cheaper martini. Don't let it be misleading.

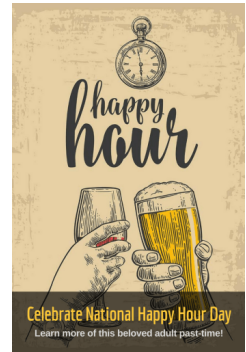


2. Be obscene or indecent or portray or imply illegal conduct, activity, abuse, violence, etc. unless it is for educational purposes about dangerous or irresponsible drinking.
3. Encourage over-consumption or intoxication, promote the intoxicating effects of alcohol consumption, or



overtly promote increased consumption of alcoholic products.

4. Advertise any unlawful discounting practice such as happy hour, two drinks for the price of one, free alcohol, or all you can drink for \$...
5. Promote or encourage the sale or use of alcohol by minors.



LICENSEES CAN CHANGE THEIR ALCOHOL MENU PRICES but . . .

- If a licensee chooses to change alcohol prices, licensees may not change prices less than every 24 hours and they may only do so **provided** they change their alcohol menu (the written price list) as well.

and . . .

- They are not **advertising** that they changed their alcohol menu prices.

If the licensee advertises that they change their prices from day to day, this *would be* viewed as discounting and/or advertising in a way that encourages overconsumption.

There is one other issue with daily menu changes. Licensees must post their liquor on a "prominently posted" list of "types and brand names of liquor being furnished through the licensee's calibrated metered dispensing system". That list would have to change daily as well if new liquors are added or removed.

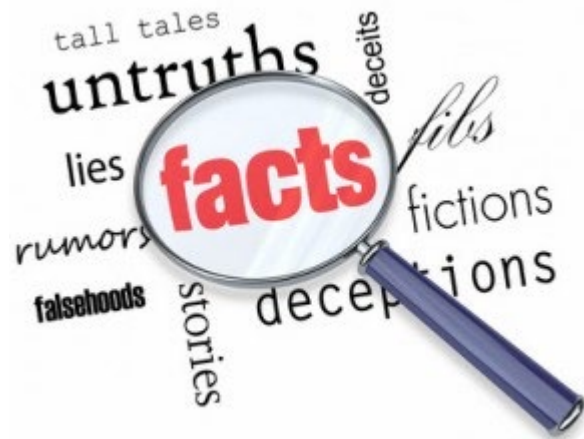
WHAT ABOUT A FEATURED DRINK ON TUESDAYS?

If the licensee makes a smaller ounce drink on Tuesday and therefore charges a cheaper price because it is smaller, the menu must reflect that difference. For instance, featuring a less expensive 8-ounce draft beer instead of the usual 16- ounce beer on Tuesday is fine, but both beer sizes and prices should be on the menu. However, a licensee cannot advertise a \$3.00 vodka martini discounted from the same \$5.00 vodka martini on

Wednesday, or imply they are getting a higher quality vodka at a discount if they are not.

Remember, any advertising cannot be misleading to the public. If the Martini special is made with a cheaper liquor on Tuesday, and the next day a more expensive liquor, the customer must know the alcohol in the "special drink" is cheaper because it is a less expensive alcohol brand or has less alcohol.

All alcoholic drinks must be on the menu or an extra alcohol beverage menu supplied for any new drinks offered. Any printed menu is fine (even a whiteboard) but there must be a real and current menu with prices at all times.



BOTTOM LINE:

- No discounting an alcoholic beverage from the regular menu price.
- No "advertising" the alcoholic beverage is cheaper on a different day just because you changed your menu prices. This is still advertising discounted prices.
- No fooling the public about a smaller drink or what brand of alcohol they are actually drinking is the same as a menu item.