

Department Public Safety
Liquor Control Act

Information on Advertising under the Liquor Control Act

LIN: 0500
November 2000

This notice is intended to provide information as it relates to advertising under the Liquor Control Act or the Regulations. It is a summary of the legislation and is not to be regarded or relied upon as a legal interpretation of the Act or Regulations. In all cases, the legislation should be reviewed to determine the proper application of the eligibility requirements and the function of the program.

General Information

All liquor licensed establishments must comply with the advertising requirements under New Brunswick Regulation 90-10 and Sections 142(1) and 142(2) of the *Liquor Control Act*.

Guidelines

A licence to sell liquor as provided in the Liquor Control Act may be one of the following classes:

- ▶ a dining-room licence,
- ▶ a lounge licence,
- ▶ a lounge licence,
- ▶ a special events licence,
- ▶ a club licence issued in respect of a club other than a forces canteen,
- ▶ an in-house brewery licence,
- ▶ a brewer's licence, a distiller's licence or a winery licence.

A licensee shall not:

- ▶ exhibit, publish or display an advertisement that states or implies that liquor is to be provided free of charge,
- ▶ encourage or promote the consumption of liquor by minors,
- ▶ depict family scenes that in any way involve use of liquor, including any group of adults accompanied by children,
- ▶ refer in any way to persons who may be minors,
- ▶ portray drinking or party scenes that show immoderate or excess use of liquor,
- ▶ indicate that liquor may be consumed in any way, manner or place prohibited by any federal or provincial law or municipal by-law,
- ▶ convey the impression that the consumption of liquor is necessary or helpful in obtaining any social prestige, business success, popularity or escape from personal problems,

- ▶ make any claim that implies or attributes to any liquor, either alone or as a mixture, any healthful, nutritive, dietary, curative, sedative or stimulative quality or properties,
- ▶ contain an endorsement of any liquor, personally or by implication, by any person, character or group who is or is likely to be a role model for minors because of achievement, reputation or exposure in the media.

Manufacturers of Alcoholic Beverages

The holder of a brewer's licence, distiller's licence or winery licence (manufacturers) exhibiting, publishing or displaying an advertisement.

a) may

- ▶ refer in the advertisement to
 - ▶ trademarks
 - ▶ brand names
 - ▶ body labels, or
 - ▶ recipes,
- ▶ use slogans and copy descriptive of the product or brand of liquor,
- ▶ air 25 times a week on the same radio or television station,
- ▶ advertise in any other media or form,
- ▶ draw attention to a product or to one or more brands of liquor,
- ▶ use its corporate name or its products in an advertisement for or about an event or cause that is not a sales campaign (i.e. Relay Event),

this advertisement has no restrictions on the frequency of publication or airing of the advertisement,

- ▶ advertise in conjunction with the holder of a lounge, dining room or special facility licence, inside and outside licensed premises.

b) shall not

- ▶ deal with the use and consumption of liquor generally,
- ▶ advertise liquor in conjunction with a holder of a special occasion permit, a club licence or a in-house brewery licence,
- ▶ exhibit, publish or display an advertisement that states or implies that liquor is to be free of charge,

this does not include promotions by the NB Liquor Corporation.

Retailers of Alcoholic Beverages

The holder of a dining-room licence, a lounge licence, a special facility licence, a special events licence, a club licence other than a forces canteen or an in-house brewery licence.

a) may

- ▶ exhibit, publish or display an advertisement advertising such activities as champagne brunches, beer gardens or wine and cheese or similar activities or events,
- ▶ exhibit, publish or display an advertisement on radio or on television, if the advertisement does not air on the same radio station or same television station more than twenty-five times in a week, and in any other media or form,
- ▶ exhibit or display any advertisement or notice of or concerning liquor by an electric or illuminated sign, contrivance or device or on any boarding, signboard, billboard or other place in public view or may advertise liquor by any of those means,
- ▶ exhibit or display, any sign or poster containing the words "bar", "bar-room", "saloon", "spirits", or "liquor" or words of like import,
 - ▶ this advertisement **may** portray glasses, barrels, taps, bottles and product, but
 - ▶ **shall not** portray a specific brand of a distiller, brewer or winery,
- ▶ advertise in conjunction with a holder of a manufacturers licence, inside and outside licensed premises.

b) shall not

- ▶ exhibit, publish or display an advertisement that states or implies that liquor is to be provided free of charge,
- ▶ advertise liquor, directly or indirectly, in conjunction with a holder of a special occasion permit.

Special Occasion Permit

A holder of a special occasion permit may exhibit, publish or display an advertisement only in respect of an event that is being held solely for charitable purposes.

Penalties

Violations under the Liquor Control Act could result in fines ranging from \$100.00 to \$25,000.00, suspension and/or revocation of the holders' licence to operate their place of business. Department of Public Safety Compliance Inspectors will visit locations to ensure compliance with legislation.

Inquiries

For further information, please contact:

Department of Public Safety
Compliance and Regulatory Services
P. O. Box 6000
Fredericton, N. B.
E3B 5H1
Telephone: (506) 453-7472
Fax: (506) 453-3044