**18 DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES**

**553 BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS**

**Chapter 107: ADVERTISING AND SIGNS APPLICABLE TO ALL LICENSE HOLDERS**

*(Note: this rule chapter was formerly 16-226 Ch. 7 of the Department of Public Safety, Liquor Licensing and Inspections Unit.)*

1. All liquor advertising, or any claims for liquor advertised, shall conform with the standards set forth in regulations under the provisions of the Federal Alcohol Administration Act as well as the Maine State Liquor Laws and the Commission Rules and Regulations.

2. No descriptive matter in liquor advertising shall be inconsistent with the description of the contents as listed on the labels of such liquor.

3. Advertisements of liquor shall not contain any statement, design, device, or representation which is obscene. Obscene means that which:

a) To the average individual, applying contemporary community standards, considered as a whole, appeals to the prurient interest;

b) Depicts or describes, in a patently offensive manner, ultimate sexual acts, excretory functions, masturbation or lewd exhibition of the genitals; and

c) Considered as a whole, lacks serious literary, artistic, political or scientific value.

4. No advertisement of liquor shall contain either subject matter or illustrations inducing minors or immature persons to drink, nor shall depict any person in the act of drinking liquor.

5. No liquor advertising shall suggest any beneficial or tonic effect from drinking thereof.

6. The use of radio or loud speaker equipment in or on any licensed premises for the purpose of attracting attention to the interior of the said premises is forbidden, except radio programs originating from the licensed premise.

7. *Repealed.*

8. *(APA Office Note: information received indicates that the provisions of Section 7.8 have been repealed and replaced by statute, Title 28-A Section 710.)*

9. No advertising of liquor shall contain any subject matter relating to contests or prizes that require the purchase of or the awarding of any alcoholic beverage.

10. Signs, posters, placards, or other items bearing advertising matter for use inside a retail premise may be furnished, given, rented, loaned or sold to a licensee if they have no value to the licensee except as advertisements, and if the total value of all such materials furnished by any manufacturer or wholesaler and in use at any one time in any licensed premises does not exceed $1,500.00; provided, that the manufacturer or wholesaler does not directly or indirectly pay a licensee for displaying such materials or for any expense due to their operation. The value of such materials shall include all expenses incurred directly or indirectly by the manufacturer or wholesaler in connection with the purchase, manufacture, transportation, assembly and installation of such materials and all additions thereto, and further provided that any manufacturer or wholesaler may furnish, give, rent, loan, or sell one malt and one vinous inside electric sign to each licensee which shall not be included in the $1,500.00 maximum for all materials furnished in this rule.

11. No licensee, except wholesalers, shall have malt or vinous liquor advertisements or signs on or attached to delivery vehicles owned or controlled by them which advertise by brand name.

12. No licensee, except a wholesale licensee, shall advertise liquor by any lighted sign visible from the exterior of a licensed premise during the hours that liquor is prohibited for sale. All outside and window signs bearing advertising must be approved for use by the bureau. Signs not approved must be removed within 60 days of notification by the bureau.

13. Consumer specialties such as ash trays and corkscrew and other merchandise bearing advertising may be given or sold as long as a retail licensee is not paid to distribute such material.

14. Advertising specialties such as trays, coasters, menu cards, wine list, meal checks, napkins, bar mats, tap markers, thermometers, clocks may be furnished given or sold as long as the cost of such items does not exceed $300 annually.

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EFFECTIVE DATE (ELECTRONIC CONVERSION):

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NON-SUBSTANTIVE CORRECTIONS:

 March 17, 2004

AMENDED:

 June 4, 2007 – filing 2007-230 affecting Section 3

 March 9, 2013 – filing 2013-052 affecting Sections 7.8 and 7.10

RELOCATED June 26, 2013 by the provisions of P.L. 2013 ch. 368 Part V:

 formerly Ch. 7 under 16-226 - Department of Public Safety, Liquor Licensing and Inspections Unit

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