



STATE OF WASHINGTON

WASHINGTON STATE LIQUOR CONTROL BOARD

3000 Pacific Ave SE • PO Box 43075 • Olympia WA 98504-3075 • (360) 664-1600

March 21, 2003

To: Liquor Suppliers and Licensed Agents

Re: Retailer Promotions

Dear Liquor Suppliers and Licensed Agents:

In response to numerous questions both our office has received recently relative to retailer promotions, I have written the following advisory bulletin for your assistance.

Retailer Promotions, Contests, and Events

State statute RCW 66.28.010 prohibits manufacturers, importers, and distributors from providing “moneys or moneys’ worth” to retail licensees. Manufacturers, importers and distributors are prohibited from participating in, or conducting retailer promotions, contests, and events.

Promotion Kits

Manufacturers, importers and distributors may sell promotional packages or “kits” to retailers. These kits often include customized banners, posters, clothing, and prizes. All paraphernalia included in these kits must be sold to retailers.

- The retailer is required to purchase the “kit” at not less than original cost.
- The retailer conducts the promotional event without any involvement from the manufacturer, importer, distributor or employees thereof.

Equipment

Manufacturers, importers, and distributors are prohibited from loaning or renting equipment for use at retailer events, whether or not it is part of a package or kit.

- Manufacturers, importers and distributors may not provide an employee to operate any equipment at the retailer event, even if the retailer pays for this service.

Novelty and Point of Sale Items

Washington state administrative code WAC 314-52-113 defines point of sale material and how it may be furnished. Manufacturers, importers and distributors may provide point of sale items to retailers. This includes inexpensive key chains. Key chains that include bottle openers are considered novelty items and must be sold to retailers. Food items (including breath mints) are considered novelty items and must be sold to retailers.

- Manufacturers, importers and distributors may not provide any point of sale items directly to retailer customers. This includes all types of key chains.
- Manufacturers, importers and distributors may not provide or sell novelty items and clothing directly to retailer customers. This includes bottle openers, food items.
- Retailers may sell or give away novelty items such as clothing to customers. These novelty items must have been purchased from the supplier or distributor at no less than the acquisition cost of the items.
- Retailers may provide disposable point of sale material to customers.

Costumed Individuals

WAC 314-52-113 determines what costumed individuals may do at retail premises. Costumed individuals (such as Miller or Bud Girls) are limited to socializing with retailer customers.

- Costumed individuals may not help conduct a retailer event, give out contest prizes, or perform duties that a retailer employee would be paid or assigned to perform. Retailers cannot pay the costumed individual or the manufacturer, importer or distributor any kind of talent fee for these services.
- Costumed individuals may not “perform” at retail premises by dancing for customers, or parading for them on top of bars.
- Costumed individuals may not hand out **any** point of sale or novelty items to retailer customers. (This includes all types of key chains, posters, clothing, breath mints, necklaces, glow-lights, etc).
- Costumed individuals may not act as “card holders” or so-called “ring girls” at fight events.
- Manufacturers, importers and distributors may not take photos of costumed individuals with retailer customers with or without a charge to either the retailer, or the retailer’s customer.
- A retailer or retailer customer may take photos of costumed individuals using their own equipment and at their own expense.
- Costumed individuals may sign autographs on pictures or photographs belonging to the retailer’s customers.
- Costumed individuals may sign autographs on disposable point of sale material such as posters.

I hope this has provided clarification regarding retailer promotions. The Board's advertising coordinator is Sherry Frederick. She is available to review promotions and provide assistance. Sherry may be contacted at; scf@liq.wa.gov or (360) 664-1725.

Sincerely,

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