



Washington State  
Liquor and Cannabis Board

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**To:** David Postman, Board Chair  
Ollie Garrett, Board Member  
Jim Vollendroff, Board Member

**From:** Kathy Hoffman, Policy and Rules Manager

**Date:** July 20, 2022

**Copy:** Rick Garza, Agency Director  
Toni Hood, Deputy Director  
Justin Nordhorn, Policy and External Affairs Director  
Becky Smith, Licensing and Regulation Director  
Chandra Brady, Director of Enforcement and Education

**Subject:** Request for approval to rescind Board Interim Policy (BIP) 01-2020 concerning alcohol infused products

In the past, WSLCB denied all packaging or labeling requests for alcohol-infused frozen products resembling or possessing the same packaging characteristics of frozen products that are generally marketed to persons under twenty-one years of age, such as Otter Pops and Push Pops. As this product type gained popularity, packaging and labeling submissions increased. The agency conducted research indicating that approximately forty-four states allowed either some or all of the products the agency had denied.

On August 18, 2020, agency staff brought discussion points to the Board to determine whether its approach aligned with that of other states. The Board agreed that re-evaluation of current approach was necessary and tasked the Licensing Division to prepare a Board Interim Policy. Under this direction, denials were withdrawn on some of the alcohol-infused frozen products because they were not found to be especially appealing to persons under twenty-one years of age and were designed in a manner to appeal to the adult consumer.

The policy initially went into effect on December 22, 2020 and was revised on August 17, 2021. It was designed to end on the date rules became effective to implement the policy.

If the Board approves rescission of BIP 01-2020, the agency will file Policy Statement PS22-02 regarding alcohol infused products with the Code Reviser to supersede and replace the interim policy, send notice to stakeholders, and remove it from the WSLCB website.

The Board approves/disapproves the rescission of BIP 01-2020.

\_\_\_\_\_ Approve

\_\_\_\_\_ Disapprove

\_\_\_\_\_  
David Postman, Chair

\_\_\_\_\_  
Date

_____ Approve	_____ Disapprove	_____	_____
		Ollie Garrett, Board Member	Date

_____ Approve	_____ Disapprove	_____	_____
		Jim Vollendroff, Board Member	Date



## Policy Statement

<b>Title:</b>	<b>Alcohol Infused Frozen Products</b>	<i>Number PS-22-02</i>
<b>References:</b>	<a href="#">RCW 66.08.030</a> <a href="#">RCW 66.08.060</a> <a href="#">WAC 314-52-015</a>	
<b>Contact:</b>	Katherine Hoffman, Policy and Rules Manager, WSLCB	
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<b>Effective Date:</b>	July 20, 2022	
<b>Approved By:</b>	Justin Nordhorn, Director Policy and External Affairs, WSLCB	

### [RCW 34.05.230 – Interpretive and policy statements](#)

- (1) An agency is encouraged to advise the public of its current opinions, approaches, and likely courses of action by means of interpretive or policy statements. Current interpretive and policy statements are advisory only. To better inform the public, an agency is encouraged to convert long-standing interpretive and policy statements into rules.

### INTRODUCTION

This policy statement describes how the agency will evaluate requests for approval of alcohol-infused products sold in the state of Washington.

This policy statement supersedes and replaces previous Board Interim Policy 01-2020 and any agency guidance concerning this topic.

### POLICY STATEMENT

Upon individual review, the WSLCB will continue approving alcohol-infused frozen products that are designed in a manner to appeal the adult consumer and are not especially appealing to persons under twenty-one years of age.

### STATUTORY AUTHORITY

**RCW 66.08.030(2)** describes the authority of the Board to make rules, including official labels.

**RCW 66.08.060** describes the Board's authority to adopt rules regarding the kind, character and location of liquor advertising.

**WAC 314-55-015(1)(f)(ii)** provides that all liquor advertising on products sold in the state of Washington may not contain any statement, picture, or illustration that is designed in any manner that would be especially appealing to children or to other persons under twenty-one years of age.

## **BACKGROUND**

In the past, WSLCB denied all packaging or labeling requests for alcohol-infused frozen products resembling or possessing the same packaging characteristics of frozen products that are generally marketed to persons under twenty-one years of age, such as Otter Pops and Push Pops. As this product type gained popularity, packaging and labeling submissions increased. The agency conducted research indicating that approximately forty-four states allowed either some or all of the products the agency had denied.

On August 18, 2020, agency staff brought discussion points to the Board to determine whether its approach aligned with that of other states. The Board agreed that re-evaluation of current approach was necessary and tasked the Licensing Division to prepare a Board Interim Policy. Under this direction, denials were withdrawn on some of the alcohol-infused frozen products because they were not found to be especially appealing to persons under twenty-one years of age and were designed in a manner to appeal to the adult consumer.

## **CONCLUSION**

Alcohol-infused frozen products must receive prior Board approval before being sold within Washington State (see WAC 314-52-015). Alcohol-infused frozen product labels are subject to formal review by the Label Approval Specialist in the WSLCB Licensing Division. Submissions can be sent to **frozenalcoholproducts@lcb.wa.gov**. Failure to receive prior Board approval may result in corrective action.

The review and formal approval will be based on but not limited to the following criteria:

- The alcohol content, serving size and any language referencing the alcohol is clearly and easily visible to the general public;
- No cartoons or cartoon-like drawings;
- No bubble-type or other font typically found on products for persons under the age of twenty-one;
- Does not contain a design, brand, or name that resembles a non-alcohol consumer product that is marketed to persons under the age of twenty-one;

- Does not contain symbols or celebrities that are commonly used to market products to persons under the age of twenty-one;
- Does not include images of persons under the age of twenty-one.

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