



Revised Liquor and Cannabis Board Interim Policy BIP-1-2020

Subject: Alcohol-infused Frozen Products
Effective Date: December 22, 2020
Revision Date: August 17, 2021
Ending Date: Upon the effective date of rules implementing this policy.

A handwritten signature in black ink, appearing to read "David Postman".

Approved:

David Postman, Board Chair

A handwritten signature in blue ink, appearing to read "Ollie Garrett".

Ollie Garrett, Board Member

A handwritten signature in black ink, appearing to read "Russ Hauge".

Russ Hauge, Board Member

Background:

Previously the Board's position was to deny any packaging or labeling for alcohol-infused frozen products that were deemed to mimic frozen products marketed towards persons under twenty-one years of age such as Otter Pops and Push Pops. In recent years, it became apparent that this product type was becoming more popular as application submissions have increased. In completing research, it was discovered that approximately forty-four states allowed either some or all of the products the Board had denied. Recognizing this policy had been in place for some time, it was appropriate to bring forth discussion points to see if the current policy aligned with the direction other states were taking with this emerging market.

On August 18, 2020, the Board concurred that a re-evaluation of current policy was necessary and tasked Licensing to proceed with a revised policy.

With this new direction, Licensing withdrew its denial on some of the alcohol-infused frozen products. These products were deemed not especially appealing to persons under twenty-one years of age and were designed in a manner to appeal to the adult consumer.

Purpose:

Licensing would like to continue with approving alcohol-infused frozen products with an approach of looking at the overall product, packaging, and label and not focusing solely on product type or the idea of “mimicking” frozen products marketed towards persons under twenty-one years of age. This would allow the Board to approve products designed for the adult consumer that can safely be sold in stores.

Policy Statement:

Licensing will require that any alcohol-infused frozen products must receive prior Board approval before being sold within Washington State (see WAC 314-52-015). While current practice allows alcohol labels to be submitted to a monitored email with an automatic response, this policy will require a formal review by the Label Approval Specialist in the 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 verbiage 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;