

ACTION KIT

REDUCING ALCOHOL
MARKETING TO YOUTH

REVISED CODE OF WASHINGTON/WASHINGTON ADMINISTRATIVE CODE

The following laws (RCW) and rules (WAC) govern promotion and advertising of alcohol in our state.

RCW 66.28.160 Promotion of liquor at colleges and universities.

No liquor manufacturer, importer, distributor, retailer, authorized representative holding a certificate of approval, agent thereof, or campus representative of any of the foregoing, may conduct promotional activities for any liquor product on the campus of any college or university nor may any such entities engage in activities that facilitate or promote the consumption of alcoholic beverages by the students of the college or university at which the activity takes place. This section does not prohibit the following:

- (1) The sale of alcoholic beverages, by retail licensees on their licensed premises, to persons of legal age and condition to consume alcoholic beverages;
- (2) Sponsorship of broadcasting services for events on a college or university campus;
- (3) Liquor advertising in campus publications; or
- (4) Financial assistance to an activity and acknowledgment of the source of the assistance, if the assistance, activity, and acknowledgment are each approved by the college or university administration.

RCW 66.08.060 Board cannot advertise liquor, exception — advertising regulations.

- (1) The board shall not advertise liquor in any form or through any medium whatsoever.
- (2) In-store liquor merchandising is not advertising for the purposes of this section.
- (3) The board shall have power to adopt any and all reasonable rules as to the kind, character, and location of advertising of liquor.

WAC 314-52-015 General

Institutional advertising shall mean advertising which promotes company or brand name identification, but does not directly solicit purchase or consumption of liquor. Educational advertising shall mean factual information on liquor, its manufacture, history, consumption and methods of ascertaining the quality of various types of liquors such as German wines, French cognacs, or other classifiable types of product. All liquor advertising shall be modest, dignified and in good taste and shall not contain:

- (1) Any statement or illustration that is false or misleading in any material particular.
- (2) Any statement, picture, or illustration which promotes over consumption.
- (3) Any statement, picture, illustration, design, device, or representation which is undignified, obscene, indecent, or in bad taste.
- (4) Any statement, design, device, or representation of or relating to analyses, standards, or tests, irrespective of falsity, which is likely to mislead the consumer.

- (5) Any statement, design, device, or representation of or relating to any guaranty, irrespective of falsity, which is likely to mislead the consumer.

Nothing in this section shall prohibit the use of any enforceable guaranty in substantially the following form:
“We will refund the purchase price to the purchaser if he is in any manner dissatisfied with the contents of this package.”

- (6) Any statement that the product is produced, blended, made, bottled, packed or sold under, or in accordance with, any authorization, law, or regulation of any municipality, county, or state, federal or foreign government unless such statement is required or specifically authorized by the laws or regulations of such government; and if municipal, state or federal permit number is stated, such permit number shall not be accompanied by any additional statement relating thereto.
- (7) Any statement, design or device representing that the use of liquor has curative or therapeutic effects, if such statement is untrue in any particular, or tends to create a misleading impression.
- (8) Any statement, picture, or illustration implying that the consumption of liquor enhances athletic prowess, or any statement, picture, or illustration referring to any known athlete, if such statement, picture, or illustration implies, or if the reader may reasonably infer, that the use of liquor contributed to such known athlete’s athletic achievements.
- (9) Any depiction of a child or other person under legal age to consume liquor; any depiction of objects, such as toys, suggestive of the presence of a child, nor any other depiction designed in any manner as to be especially appealing to children or other persons under legal age to consume liquor.
- (10) Any reference to any religious character, sign or symbol, except in relation to kosher wines or where such are a part of an approved label.

WAC 314-52-070 Outdoor advertising

- (1) “Outdoor advertising” by manufacturers, importers, distributors, and retail licensees for these purposes shall include all signs visible to the general public, whether permanent or temporary, advertising the sale and service of liquor (excluding point-of-sale brand signs, which are defined and governed as otherwise provided in WAC 314-52-113) as well as trade name and room name signs.
- (2) Outdoor signs shall be designed, installed, and used in a manner not offensive to the public, and shall comply with all liquor advertising rules. These rules include, but are not limited to:
 - (a) WAC 314-52-015(1), which:
 - (i) Prohibits any statement or illustration that is false or misleading in any material particular;
 - (ii) Prohibits any statement, picture or illustration which promotes over consumption;
 - (iii) Prohibits any statement, picture, illustration, design, device, or representation which is undignified, obscene, indecent, or in bad taste.
 - (b) WAC 314-52-110(1), which requires that every advertisement by a retail licensee shall carry the licensed trade name or the registered franchise name or the trademark name. The term “trade name” shall mean the “licensed trade name” as it appears on the issued license.

-
- (3) Prior board approval is not required before installation and use of outdoor signs/advertising; however, outdoor signs/advertising (excluding outdoor reader board messages and/or interior signs visible through a window of a premises) not in compliance with board rules will be required to be altered or removed at the licensee's expense. If prior approval is desired, the licensee, applicant or their agent may submit three copies to the board advertising coordinator for approval.
 - (4) No outdoor advertising of liquor shall be placed in proximity to schools, churches, or playfields used primarily by minors, where administrative body of said schools, churches, playfields, object to such placement, nor any place which the board in its discretion finds contrary to the public interest.

WEB SITE RESOURCES

Washington's Healthy Youth Survey Results "HYS Fact Sheet."

www.askhys.net 2006

Start Talking Now. "What Should I Say?"

http://www.starttalkingnow.org/whatshouldisay/index.shtml 2006

The Center on Alcohol Marketing and Youth

http://www.camy.org

Marin Institute

http://www.marininstitute.org

FACE

http://www.faceproject.org

FACE. "This Place," FACE Productions

http://www.faceproject.org/Films/index.html 2005

U.S. Department of Health and Human Services. "The Surgeon General's Call to Action to Prevent and Reduce Underage Drinking."

http://www.surgeongeneral.gov/topics/underagedrinking/calltoaction.pdf 2007

University of Minnesota. "Alcohol Advertising."

http://www.epi.umn.edu/alcohol/policy/adrstrct.shtm January 2006

American Medical Association. "Partner or Foe? The Alcohol Industry, Youth Alcohol Problems, and Alcohol Policy Strategies"

http://www.ama-assn.org/ama1/pub/upload/mm/388/partner_foe_brief.pdf 2002

American Medical Association. "Alcohol Industry 101: It's Structure and Organization"

http://www.alcoholpolicymd.com/pdf/AMA_Final_web_1.pdf 2004

Oregon Partnership

http://www.orpartnership.org/