

1 14B NCAC 15B .1013 is amended with changes as published in 33:23 NCR 2249 as follows:

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3 **14B NCAC 15B .1013 REFUND OFFERS**

4 (a) General. Refund offers may be used to advertise spirituous liquor. Refund offers may be advertised by newspaper,
5 magazine, direct mail, [internet]the Internet, or other electronic means.

6 (b) Conditions. A refund offer is an offer to a ~~consumer~~purchaser for a rebate of money or merchandise from a liquor
7 industry member, obtained by ~~mailingsubmitting~~ a form. A refund offer is allowed under the following conditions:

8 (1) A refund may be offered only by a manufacturer, importer, distiller, ~~rectifier~~rectifier, or bottler of
9 spirituous liquor.

10 (2) A refund may be offered only to purchasers of the manufacturer's original unopened container of
11 liquor that is purchased from a localan ABC store.

12 (3) A refund may be offered ~~only~~in any of the following ways:

13 (A) ~~when~~When the redemption form is a part of or attached to the package or container, or
14 when the forms are available on tear-off pads displayed in the store. Any offer that is a
15 part of or attached to the package or container shall be placed there by the industry member
16 who offers the refund.

17 (B) When the redemption form is part of an electronic refund procedure or software application
18 made available by the industry member or its designated redemption agent.

19 (4) The redemption form shall include a statement that the person redeeming the refund must be at least
20 21 years of age.

21 (5) A refund offer shall apply throughout the state.State.

22 ~~(5)(6)~~ A refund offer shall include an expiration date.

23 ~~(6)(7)~~ A refund offer shall include a statement explaining the redemption ~~procedure~~procedure, including
24 the expiration date and length of time before the refund is sent to the purchaser. Refund offers shall
25 be redeemed by ~~mailingsubmitting~~ the redemption form to the industry member who offers the
26 refund or its designated redemption ~~agent-agent~~ in the manner required by the industry member,
27 either by mail or electronically. Such anThe designated redemption agent shall not be a retail or
28 wholesale permittee in the ~~state.State.~~

29 ~~(7)(8)~~ An industry member shall notify the ~~commission~~Commission at least 10 days before it ~~offers a~~
30 ~~refund~~provides a refund offer on liquor. The notice shall state the proposed amount of the refund,
31 its expiration date, to whom redemption forms ~~mustshall~~ be ~~mailed~~submittedsubmitted, and the
32 name, ~~addressaddress~~, and phone number of the redemption agent. The notice shall also include a
33 sample of the redemption ~~form-form~~ or the redemption procedure.

34 ~~(8)(9)~~ An ~~ABCA local~~ board member or ~~board~~ employee shall not ~~receive refunds on offers obtained from~~
35 ~~liquor packages or containers before sale at retail.~~submit a redemption form for a refund under this
36 Rule except for [lawful] purchases of spirituous liquor the local board member or board employee
37 has made.

1 (c) Commercial Bribery; Cooperative Advertising. No local ABC board member, board employee, ~~retailer~~retailer,
2 or retailer employee shall accept and no industry member shall pay any fee for the display or use of refund offers. The
3 name of a retail business or retail permittee shall not appear on any refund offer.

4 (d) Advertising ~~Refund Offers. Refund offers may be advertised by newspapers, magazines or direct mail but no~~
5 ~~redemption form may appear in such advertisement.~~Limits. No refund offer for liquor may be advertised on the
6 premises of any retail permittee.

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8 *History Note: Authority G.S. 18B-100; 18B-105(b); 18B-207;*

9 *Eff. June 1, 1987;*

10 *Amended Eff. July 1, 1992;*

11 *Transferred and Recodified from 04 NCAC 02S .1020 Eff. August 1, 2015;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20,*
13 *2016;*

14 *Amended Eff. October 1, 2019.*