

1 14B NCAC 15B .1007 is amended with changes as published in 40:05 NCR 460 as follows:

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3 **14B NCAC 15B .1007 ADVERTISING OF MALT BEVERAGES AND WINE ALCOHOLIC**
4 **BEVERAGES BY INDUSTRY MEMBERS**

5 (a) Billboards; Media. Industry members may advertise ~~malt beverages or wine~~ alcoholic beverages on outdoor
6 billboards, by radio, television, ~~newspaper or magazine, and by other similar means.~~ newspaper, magazine, the internet,
7 and social media. ~~Outdoor Industry members shall not display billboards or signs shall not be displayed on the~~
8 ~~premises of any a retail permittee's establishment nor or in areas where sale of that product is unlawful.~~

9 (b) Aerial Display. ~~Industry members may advertise by Malt beverages and wine may be advertised by industry~~
10 ~~members by means of~~ aerial displays or tethered inflatables, including banner-towing, hot air balloons and parachutes,
11 if:

12 (1) ~~One~~ The industry member submits one or more photographs or drawings of the displays ~~have been~~
13 ~~submitted to the Commission at legal@abc.nc.gov and the permittee has received~~ receives prior
14 written approval;

15 (2) The advertising on the aerial display ~~is in conformity~~ conforms with all other rules in this Section;
16 and

17 (3) ~~No~~ The aerial display or inflatable is not placed on or over the premises of a retail ~~permittee's~~
18 ~~establishment permittee.~~

19 (c) Delivery Trucks and Uniforms. Trucks owned ~~by or leased exclusively to or leased by~~ an industry member may
20 be used for advertising ~~purposes purposes,~~ limited to the permittee's name or trade name ~~of the permittee,~~ and the
21 brand names, slogans, house ~~marks marks,~~ or trademarks of the alcoholic beverages manufactured or sold by the
22 permittee. Wholesale permittees and spirituous liquor industry members may display on ~~the uniforms of their~~
23 ~~employees their employee uniforms the names name~~ of their company and the brand names of the products ~~handled~~
24 by them they are authorized to represent.

25 (d) Other Signs. Industry members may maintain ~~any~~ signs required by the laws of the United States to be displayed
26 on their premises ~~as well as signs on the premises and signs~~ indicating the brand names of ~~malt beverages and wine~~
27 alcoholic beverages sold by them, including the word "beer," ~~or words describing other malt beverages and~~
28 ~~wine, "wine," "spirituous liquor," or words describing malt beverages, wine, or spirituous liquor.~~

29 (e) Price. Industry members shall not advertise the ~~price of malt beverages or wine.~~ prices of their alcoholic beverages.
30 A wholesaler may give to retail permittees a wholesale price list that contains the brand names and prices of ~~his the~~
31 wholesaler's products to retail permittees products.

32 (f) College Campuses. ~~All print advertising, including posters, flyers, display ads, or point of sale materials that are~~
33 ~~published primarily for distribution to college students or for dissemination on college campuses shall first be~~
34 ~~submitted to the Commission for approval prior to any publication or distribution.~~ Industry members shall submit
35 print advertising, including posters, flyers, display ads, or point-of-sale materials that are published for distribution to
36 college students or for dissemination on college campuses, to the Commission at legal@abc.nc.gov for review and
37 approval before use. Industry members are encouraged to who submit such advertising at least ~~two months~~ prior to

1 ~~one month before distribution deadlines in order to allow adequate review by the Commission.~~ deadlines-deadlines
2 will be given priority for review.

3 (g) Listings of Available Product Locations. Industry members may advertise and assist consumers to locate the
4 names and locations where their alcoholic beverage products are sold in the State, subject to the following conditions:

5 (1) The list includes all retail permittees and ABC stores selling an industry member's products in the
6 State by a searchable electronic database available to the public; and

7 (2) The industry member reviews and updates the list of retail permittees and ABC stores in six-month
8 intervals.

9 (h) Comments Posted on Retailers' Sites. Industry members may post a comment or reaction by text or symbol on a
10 retailer's website or social media but shall not copy and repost the retailer's message.

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12 *History Note: Authority G.S. 18B-100; 18B-105; 18B-207;*

13 *Eff. January 1, 1982;*

14 *Amended Eff. July 1, 1992; May 1, 1984;*

15 *Transferred and Recodified from 04 NCAC 02S .1009 Eff. August 1, 2015;*

16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20,*
17 *2016.*

18 *Amended Eff. February 1, 2026.*
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1 14B NCAC 15B .1008 is amended as published in 40:05 NCR 460-461 as follows:

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3 **14B NCAC 15B .1008 ADVERTISING OF SPIRITUOUS LIQUORS BY ABC BOARDS**

4 (a) ABC Stores. An ABC store may have one or more ~~outside exterior~~ signs ~~located on the premises for the purpose~~
5 ~~of identifying on the store's property, as stated on the store's lease or deed, to identify the outlet store's presence if~~
6 the sign is not prohibited by local ordinance and it has been approved by the Commission. ~~During the approval process~~
7 ~~the~~ The Commission shall consider the following factors:

- 8 (1) the proximity of the ABC store to schools and churches;
9 (2) the number and size of the signs requested;
10 (3) the text and graphics on the sign;
11 (4) the materials that make up the sign; and
12 (5) the public concern in matters of the public's welfare.

13 ~~(b) Aerial Displays. No distiller, importer, or rectifier of spirituous liquor, or representative thereof, nor any retail~~
14 ~~permittee, shall advertise by means of an aerial display or inflatable the brand name or availability of spirituous liquor.~~

15 ~~(c) Billboards; Media. Industry members may advertise spirituous liquor on outdoor billboards, by radio, television,~~
16 ~~newspaper, magazine or internet, and by other similar means. Outdoor billboards or signs shall not be displayed on~~
17 ~~the premises of any retail permittee's establishment nor in areas where sale of that product is unlawful.~~

18 (b) Billboards. Billboards may be used by local ABC boards for the following purposes:

- 19 (1) advertising the location, contact information, and hours of operation of an ABC store;
20 (2) statistical information on volume of sales, revenues generate, and the amount of revenues distributed
21 to the State and local government; and
22 (3) subject to the Commission's approval, educational content regarding alcohol or substance abuse or
23 public service announcements.

24 Billboards used by a local ABC board shall not include the brand name or picture of a spirituous liquor or fortified
25 wine.

26 ~~(d)(c)~~ Point-of-Sale. Point-of-sale and advertising specialties for spirituous liquor may be used in ABC stores.
27 Advertising used in ABC stores shall conform to the provisions of Rule ~~14B NCAC 15B .1005; 1005 of this Section,~~
28 ~~and in addition shall not:~~

- 29 ~~(1) incorporate the use of any present or former athlete or athletic team; or~~
30 ~~(2) refer to the availability of or offer any alcoholic beverages by mail.~~

31 ~~All point of sale advertising material, advertising specialties, and recipes, booklets or brochures intended for use and~~
32 ~~display in ABC stores shall first be submitted to the Commission prior to their display in an ABC store.~~ Industry
33 members shall submit point-of-sale advertising material, advertising specials, recipes, booklets, or brochures for use
34 and display in ABC stores to the Commission at legal@abc.nc.gov before displaying these items in an ABC store.

35 ~~(e)(d)~~ Local ABC Boards. Local ABC boards may advertise on their web site or social networking ~~page page, and~~
36 inside ABC stores, the following information:

- (1) ~~general information such as including~~ the history of the local ABC board, locations, hours of operation, contact information, employment opportunities, alcohol enforcement, alcohol education, underage drinking education and other local government information; and
- (2) ~~liquor products and prices, as long as prices,~~ subject to the following conditions:
- (A) ~~no logos are shown;~~
- (B)(A) ~~when a product is listed, the list includes all products that are offered are listed;~~ of the same category or type advertised;
- (C)(B) ~~when if a product's regular price is listed, the list includes all products' regular prices of all products of the same category or type offered by the board are listed; and~~ local ABC board;
- (D)(C) ~~when if a special price reduced for 30 days is listed for a product, product on a supplemental price list pursuant to Rule 14B NCAC 15A .1503, the list includes all products with special temporary reduced prices offered by the board are listed.~~ local ABC board; and
- (D) if the Commission authorizes a local ABC board to sell certain products at below the uniform price pursuant to Rule 14B NCAC 15A .1702, the list includes all products offered by the local ABC board with prices below the uniform price.
- (3) ~~Logos and prices of spirituous liquor products posted in pictures or videos of the inside of an ABC store must include all products in a category and their prices.~~
- (4) ~~New products during the first 180 days of availability for purchase in an ABC store and products returning to inventory after at least one year of unavailability for purchase.~~
- (5) ~~Spirituous liquor products available via special order pursuant to Rule 14B NCAC 15A .1403(b).~~
- (6) ~~Special order barrel products with personalized labeling pursuant to G.S. 18B-800(c1) ordered by a local ABC board in compliance with Rule 14B NCAC 15A .1403.~~
- (7) ~~Products available for online order pursuant to G.S. 18B-800(c3).~~
- (8) ~~Products available on the Limited Product Record list pursuant to G.S. 18B-204(a3).~~
- (e) ~~Advertising by email. Local ABC boards may advertise by email or text to mixed beverage permittees that request to receive advertisements from the local board. Local ABC boards shall not advertise by email or text to retail customers of the local board except:~~
- (1) ~~when a customer inquires about the availability or the price of a specific product; or~~
- (2) ~~when a customer requests or consents to receive marketing emails or texts.~~
- ~~A local ABC board email advertisement to retail customers shall be limited to advertising allowed pursuant to this Rules, to a lottery of spirituous liquor, and to barrel purchase opportunities.~~
- (f) Local ABC boards may join local chambers of commerce or visitor's bureaus and may provide them general board information ~~which that includes store locations and hours to be distributed made available through the website or other electronic means of the chambers of commerces' or visitor's bureaus' media information-commerce or visitor's bureaus.~~
- (g) Local ABC boards shall submit approval requests required by this Rule to legal@abc.nc.gov.

1 (h) Local ABC boards shall not use or allow the use or display of any tent, canopy, cooler, sign, or personal property
2 owned by the local ABC board or that displays the local ABC board's name or logo except within the local ABC
3 board store.

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5 *History Note: Authority G.S. 18B-100; 18B-105; 18B-207; 18B-807;*
6 *Eff. January 1, 1982;*
7 *Amended Eff. November 1, 2012; November 1, 2011; January 1, 2011; July 1, 1992; May 1, 1984;*
8 *Transferred and Recodified from 04 NCAC 02S .1011 Eff. August 1, 2015;*
9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20,*
10 *2016.*
11 *Amended Eff. February 1, 2026.*
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1 14B NCAC 15C .0102 is readopted with changes as published in 40:02 NCR 217-219 as follows:

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3 **14B NCAC 15C .0102 APPLICATION PROCEDURES**

4 (a) Who Files. ~~Before any~~ A winery, brewery, ~~distiller, distillery,~~ wholesaler, importer, bottler, vendor, ~~distiller~~
5 ~~distillery~~ representative, brokerage representative, salesman, supplier representative, or vendor representative sells,
6 solicits orders for, or manufactures, bottles, or imports any alcoholic beverage in this State, that person shall first shall
7 file written application for the appropriate a permit and pay any required fees, as described in G.S. 18B-902, and as
8 set forth in this Rule in compliance with Chapter 18B, Article 9 of the General Statutes before selling, soliciting orders,
9 manufacturing, bottling, or importing alcoholic beverages in this State. ~~Applications for permits for businesses shall~~
10 ~~be filed by those individuals listed in G.S. 18B-900(c).~~

11 (b) Application. ~~Application~~ Applicants may obtain forms for all ABC permits ~~may be obtained~~ from the North
12 ~~Carolina Alcoholic Beverage Control~~ Commission's office or website as set forth in 14B NCAC 15A .0102. ~~Each~~
13 ~~person~~ An applicant shall provide in the application, under oath, the following ~~information, as applicable:~~ information:

- 14 (1) the name, address, email address, last four digits of social security number, and telephone ~~number(s)~~
15 numbers of the applicant;
- 16 (2) the mailing address and location address of the business for which ~~a permit is desired, an application~~
17 is submitted, including ~~and~~ the county and state where the business is located;
- 18 (3) the name of the business and whether the business is a sole proprietorship, corporation, limited
19 liability company, or partnership;
- 20 (4) the trade name of the business;
- 21 (5) the applicant's date of birth;
- 22 (6) if the business is a corporation or limited liability company, the name and address of the person
23 authorized to accept service of process of Commission notices or orders ~~under G.S. 1A, pursuant to~~
24 G.S. 1A, Rule 4(j);
- 25 (7) if the applicant is a ~~non-resident nonresident~~ intending to operate a business in the State, the name
26 and address of a resident of the State appointed as the applicant's attorney-in-fact in accordance with
27 Chapter 32C of the General Statutes ~~for purposes of in compliance with~~ G.S. 18B-900(a)(2)b.;
- 28 (8) if the application is for a vendor representative, brokerage representative, ~~distiller-distillery~~
29 representative, or supplier representative permit, authorization from the commercial permittee,
30 brokerage, ~~distiller, distillery,~~ or spirituous liquor supplier ~~to represent it; and for the applicant to be~~
31 its representative; and,
- 32 (9) ~~that~~ the applicant is in compliance with G.S. 18B-900(a)(3) through (8).

33 (c) Additional documentation. ~~The following documents~~ applicant shall submit the following completed, signed,
34 notarized, and ~~recorded, as applicable, recorded documents shall be attached to and submitted~~ with an application, ~~and~~
35 shall to be incorporated as part of the application:

- 36 (1) for applicants applying on behalf of a business pursuant to G.S. 18B-900(c), the fingerprint card,
37 Authority for Release of Information Form, and certified check, cashier check, money order,

1 electronic payment, or credit card payment made payable to ~~the North~~ “North Carolina ABC
2 ~~Commission-Commission~~” in the amount of thirty-eight dollars (\$38.00) for payment of a state and
3 national fingerprint-based criminal history record check pursuant to ~~14B NCAC 18B .0405; G.S.~~
4 18B-902(b);

- 5 (2) for applicants applying for brokerage representative, ~~distiller-distillery~~ representative, or supplier
6 representative permits, a certified copy of the applicant's State criminal history record check;
- 7 (3) payment of ~~applicable~~ permit fees as authorized in 14B NCAC 15A .0104;
- 8 (4) for businesses located in this State, a certified copy of ~~any a~~ recorded power of attorney registered
9 in the county where the proposed licensed premises is located;
- 10 (5) for corporations not already holding a permit in this State, a copy of the Articles of Incorporation
11 and notarized corporate certification of shareholders holding 25 percent or more of the shares of the
12 corporation;
- 13 (6) for limited liability companies not already holding a permit in this State, a copy of Articles of
14 Organization and notarized organizational certification of members owning 25 percent or more
15 interest in the company. ~~Additionally, if~~ If the limited liability company is manager-managed, the
16 application shall include a copy of the Operating Agreement;
- 17 (7) a black and white copy of applicant's current photo identification;
- 18 (8) for a business located in this State, a copy or memorandum of the lease showing the applicant as
19 tenant, a copy of the deed showing the applicant as the grantee or owner, or a copy of a management
20 agreement with the owner or lessee of the permitted property showing the applicant has the authority
21 to operate the business at the permitted location; and
- 22 (9) a Federal Employer ~~Identification/Social Identification~~ or Social Security Number Verification
23 Form.

24 (d) Salesmen, Representatives, Vendors To State Companies. ~~All salesmen, Salesmen,~~ vendor representatives,
25 ~~distiller-distillery~~ representatives, brokerage representatives, supplier representatives, and vendors shall ~~further~~ state
26 on the permit application the name of every manufacturer, importer, wholesaler, ~~distiller, distillery,~~ brokerage,
27 spirituous liquor supplier, or vendor that the applicant ~~will represent~~ represents in the State. The persons listed in this
28 Paragraph shall notify the Commission ~~when of the termination of their~~ authorization to represent an industry ~~member~~
29 ~~ceases member~~. The manufacturer, importer, wholesaler, ~~distiller, distillery,~~ brokerage, spirituous liquor supplier, or
30 vendor shall notify the Commission ~~whenever any~~ of the persons listed in this Paragraph ~~are~~ no longer ~~their being an~~
31 authorized representative. Persons required to provide notification ~~Notification required~~ pursuant to this Paragraph
32 shall ~~be made to notify~~ the Commission in writing within 30 days of the termination of the authorization to represent.

33 (e) Wholesalers. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, before a
34 wholesaler receives, possesses, transports, sells, delivers, or ships wine or malt beverages in the State, the vendor shall
35 file with the Commission a separate distribution agreement filing form for each brand authorized to be sold by the
36 wholesaler and the specific territory where the product may be sold for each wholesaler location. The distribution
37 agreement filing form shall contain the ~~vendor's and wholesaler's~~ vendor and wholesaler names, trade ~~names if~~

1 ~~applicable, names, addresses, telephone numbers, ABC Commission permit numbers, and the name of the brand brand,~~
2 and ~~the~~ territory where the sales may take place in the State, by county or parts of counties. For wine vendors, the
3 form shall also state whether the vendor ~~ships shipped~~ 1,250 cases or more of wine in the State ~~each year during the~~
4 ~~preceding calendar year.~~ The ~~form shall be signed and dated by the~~ vendor and the ~~wholesaler.~~ wholesaler shall sign
5 and date the form. If ~~any~~ changes in the distribution agreement affect the information on the distribution agreement
6 filing form filed with the Commission, the wholesaler shall amend the form and file it with the Commission on a
7 revised distribution agreement filing form before the changes become effective.

8 (f) Liquor Importer/Bottler. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, a
9 liquor importer/bottler applying for a permit shall submit a description of the operations of its business, ~~which shall~~
10 ~~include~~ the location address of ~~any~~ a storage facility or bottling plant, if different than the address shown on the permit
11 application, and ~~any~~ associated federal alcoholic beverage permit numbers.

12 (g) Nonresident Vendors. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, a
13 nonresident malt beverage ~~vendor or~~ vendor, a nonresident wine ~~vendor~~ vendor, or a nonresident spirituous liquor
14 vendor applying for a permit shall submit the following:

- 15 (1) a copy of the Federal Basic Permit or Brewers Notice;
- 16 (2) a statement of whether the business is a malt ~~beverage vendor or a wine beverage, wine, or spirituous~~
17 ~~liquor~~ vendor;
- 18 (3) a statement whether the applicant has ever been disapproved by ~~any~~ a government agency for ~~any~~
19 ~~an~~ application to manufacture, use, store, rectify, bottle, distribute, sell, import, or transport distilled
20 spirits, ~~beer, malt beverages,~~ or wine;
- 21 (4) a statement whether the applicant has ever compromised, by payment of penalties or otherwise, ~~any~~
22 ~~a~~ violation of ~~any~~ federal or state laws relating to internal revenue or customs taxation of alcoholic
23 beverages; and
- 24 (5) certification of understanding that the applicant ~~can~~ shall only engage in activities authorized by the
25 ~~ABC~~ laws of this State for the permit issued, and that ~~before any wine or malt beverage no alcoholic~~
26 ~~beverages products may can~~ be offered for sale in the State, the product and label must be approved
27 by the Commission. State unless the Commission has approved the product and label.

28 (h) Wine Producers. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, a wine
29 producer applying for a permit shall submit a copy of the recorded deed or lease for the farming establishment that
30 meets the requirements set forth in G.S. 18B-1000(10), including the address of the farm and one of the following:

- 31 (1) a survey or diagram of the farm, indicating the areas and acreage used in the production of grapes,
32 berries, or other fruits for the manufacture of unfortified wine; or
- 33 (2) an affidavit stating ~~that~~ the farm consists of at least five acres committed to the production of grapes,
34 berries, or other fruits for the manufacture of unfortified wine, listing the acreage used for this
35 purpose and its function.

36 (i) Wine Shippers. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, a wine shipper
37 applying for a permit shall submit the following:

- (1) a description of the operation of the business;
- (2) a website address through which orders will be received;
- (3) a statement whether the applicant has ever been disapproved by ~~any~~ a government agency for ~~any~~ an application to manufacture, use, store, rectify, bottle, distribute, sell, import or transport distilled spirits, ~~beer, malt beverages,~~ or wine;
- (4) a statement whether the applicant has ever compromised, by payment of penalties or otherwise, ~~any~~ a violation of ~~any~~ federal or state laws relating to internal revenue or customs taxation of alcoholic beverages;
- (5) a statement whether the business entity holds a valid Federal Basic Permit, either as a Bonded Wine Cellar or Bonded Winery, and a copy of the Federal Basic Permit; and
- (6) a wine shipper brand ~~listing consisting of all list identifying the~~ brands of fortified and unfortified wines ~~identified~~ to be shipped into the State by the wine shipper, including the names of the common carriers used for shipping. The permitted wine shipper may amend the brands of wine permitted to be shipped into the State by filing an amended wine shipper brand listing with the Commission prior to shipping. Only brands identified by the wine shipper to the Commission in writing ~~may be legally shipped~~ are legal to ship into the State.

History Note: Authority G.S. 18B-100; 18B-109; 18B-207; 18B-900; 18B-902; 18B-1000; 18B-1001.1; 18B-1105.1; 18B-1113; 18B-1114; 18B-1114.3; 18B-1114.7; 18B-1203; 18B-1303;
Eff. January 1, 1982;
Amended Eff. May 1, 1984;
Transferred and Recodified from 04 NCAC 02T .0102 Eff. August 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;
Amended Eff. April 1, ~~2019-2019~~;
Amended-Readopted Eff. January 1, 2026.

1 14B NCAC 15C .0104 is readopted with changes as published in 40:02 NCR 219-220 as follows:

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3 **14B NCAC 15C .0104 WINE PRODUCT BRAND**

4 (a) ~~Determination of a product's brand shall be made by the Commission.~~ The Commission shall determine a product
5 brand at the time the product is approved for sale in North Carolina and ~~Carolina.~~ ~~shall not be affected by later.~~ Later
6 changes in the manufacturer's advertising strategy or ~~labeling.~~ labeling shall not affect the brand. ~~Differences in~~
7 Different packaging, such as different style, type type, or size of container, do not establish different brands. The name
8 of the manufacturer shall not be the brand name unless no other information on the label qualifies as a brand.

9 (b) For purposes of Bordeaux Chateau wine brought into North Carolina under the French ~~negociant~~ negociant system
10 only, "brand" as defined in ~~14B NCAC 15C .0101(1)~~ 14B NCAC 15A .0103 shall be determined based on the
11 nonresident wine vendor or importer's name ~~as reflected~~ on the back of the product label. For purposes of Bordeaux
12 Chateau wines only, wines manufactured and marketed under a common identifying trade name such as "Chateau
13 Domaine," but which may be imported into the United States through multiple channels based on written
14 authorizations from French ~~negociants,~~ negociants would not be considered to be the same ~~brand;~~ brand. ~~e.g., the~~
15 ~~"Chateau Domaine" brought into the United States by Importer A would be considered to be a different brand than~~
16 ~~the "Chateau Domaine" brought into the United States by Importer B.~~ Such written ~~authorization(s)~~ authorization must
17 be ~~provided~~ submitted to the Commission ~~upon request on a form provided by the Commission~~ prior to product
18 approval or brand ~~registration~~ registration ~~on a form provided by the Commission.~~

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20 *History Note: Authority G.S. 18B-100; 18B-207; 18B-1203;*

21 *Eff. April 1, 2011;*

22 *Amended Eff. December 1, 2012;*

23 *Transferred and Recodified from 04 NCAC 02T .0104 Eff. August 1, 2015;*

24 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
25 *2017.*

26 *Amended-Readopted Eff. January 1, 2026.*
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