

1 14B NCAC 15C .0103 is readopted with changes as published in 40:12 NCR 998 as follows:

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3 **14B NCAC 15C .0103 BEER FRANCHISE LAW; "BRAND" DEFINED**

4 For purposes of Article 13 of Chapter ~~18B~~, 18B of the General Statutes, the Beer Franchise Law, a distribution
5 agreement between a supplier and wholesaler applies to all products distributed by the supplier under the same brand
6 name. Different categories of products manufactured and marketed under a common identifying trade name are
7 considered to be the same brand; e.g., the "Old Faithful" brand manufactured by Yellowstone Brewery Co. would
8 include "Old Faithful", "Old Faithful Light", "Old Faithful Draft", "Old Faithful Dry" and other products identified
9 principally by and relying upon the "Old Faithful" name, but would not include "Old Teton" which was also
10 manufactured by Yellowstone Brewery Co. brand. The Commission shall determine the brand ~~Determination of a~~
11 ~~product's brand shall be made by the Commission at the time the product is approved for sale in North Carolina~~
12 Carolina. Later changes to advertising strategy or labeling and shall not affect the Commission's [brand]-brand
13 determination. ~~be affected by later changes in the manufacturer's advertising strategy or labeling. Differences in~~
14 ~~packaging, such as different style, type or size of container, Different packaging, style, font, or container~~ do does not
15 establish different brands. The name of the manufacturer shall not be the brand name unless no other information on
16 the label qualifies as a brand.

17 Note: As an illustration, the "Old Faithful" brand manufactured by Yellowstone Brewery Co. would include "Old
18 Faithful", "Old Faithful Light", "Old Faithful Draft", "Old Faithful [Dry]" [Dry," and other products identified
19 principally by and relying upon the "Old Faithful" name, but would not include "Old Teton" which was also
20 manufactured by Yellowstone Brewery Co.

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22 *History Note: Authority G.S. 18B-100; 18B-207; 18B-1303(a);*
23 *Eff. November 1, 1994;*
24 *Amended Eff. April 1, 2011;*
25 *Transferred and Recodified from 04 NCAC 02T .0103 Eff. August 1, 2015;*
26 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
27 *2017.*
28 [Amended] Readopted Eff. May 1, 2026.
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1 14B NCAC 15C .0701 is readopted with changes as published in 40:12 NCR 998-999 as follows:

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3 **14B NCAC 15C .0701 DEFINITIONS**

4 For the purposes of this Section, the following definitions shall apply:

- 5 (1) "Equipment" shall include draft beer boxes, wine dispensing machines, refrigeration devices, sinks,
6 dishwashers, dispensing trucks, trailers, caddies, and ~~any other item useful or suitable items used~~
7 for the preparation, serving, ~~dispensing~~ dispensing, or cleaning of ~~food or beverages~~ food,
8 beverages, or food and beverage containers.
- 9 (2) "Point-of-Sale advertising" shall mean advertising material ~~such as including~~ signs, posters,
10 banners, and ~~decorations that bears conspicuous and substantial product advertising matter, that has~~
11 ~~no secondary value to the retailer, and that is designed and intended to be used inside a retailer's~~
12 ~~licensed premises where alcoholic beverage products are displayed and sold.~~ decorations:
- 13 (a) containing alcoholic beverage product advertising matter;
14 (b) having no secondary value to the retailer; and
15 (c) designed and intended to be used inside a retailer's licensed premises where alcoholic
16 beverages are displayed and sold.
- 17 (3) "Promotion" shall include ~~any advertising publicity~~ advertising, publicity, or sponsorship activity in
18 connection with ~~any a~~ special event, ~~function~~ function, or holiday ~~that is~~ outside the scope of routine
19 sales and marketing, ~~and shall include including~~ fundraisers, concerts, sporting events, festivals,
20 celebrations, anniversaries, ceremonies, operations, observances, ~~sweepstakes~~ sweepstakes, or
21 contests.

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23 *History Note: Authority G.S. 18B-100; 18B-207; 18B-1116;*
24 *Eff. January 1, 1982;*
25 *Amended Eff. July 1, 1992; May 1, 1984;*
26 *Transferred and Recodified from 04 NCAC 02T .0702 Eff. August 1, 2015;*
27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
28 *2017.*
29 *[Amended] Readopted Eff. May 1, 2026.*

1 14B NCAC 15C .0702 is readopted with changes as published in 40:12 NCR 999 as follows:

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3 **14B NCAC 15C .0702 MALT BEVERAGES: ALLOWANCES FOR DAMAGE**

4 ~~No allowance shall be made by any malt~~ Malt beverage industry member ~~members shall not provide a credit or~~
5 ~~allowance to any a~~ retailer for flat beer or chipped or broken bottles, except ~~in instances where~~ when the retailer returns
6 the tops of the bottles with glass attached to the industry member. ~~No refund shall be made by any industry member~~
7 Industry members shall not provide a refund on canned malt beverages ~~that have been~~ opened by a can opener or pull
8 tab. ~~Refunds~~ Industry members may be made give refunds on canned malt beverages if it is obvious the malt beverages
9 ~~have been~~ damaged in during shipment to the wholesaler or retailer.

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11 *History Note:* Authority G.S. 18B-100; 18B-207; 18B-1116;

12 *Eff. January 1, 1982;*

13 *Amended Eff. May 1, 1984;*

14 *Transferred and Recodified from 04 NCAC 02T .0703 Eff. August 1, 2015;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
16 *2017.*

17 *[Amended] Readopted Eff. May 1, 2026.*

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1 14B NCAC 15C .0703 is readopted with changes as published in 40:12 NCR 999 as follows:

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14B NCAC 15C .0703 REMOVAL OR DISTURBANCE OF OTHER BRANDS PROHIBITED

~~No wholesaler~~ Wholesalers shall not remove from a retailer's premises ~~any~~ bottles, ~~cartons~~ cartons, or kegs bearing brand identification ~~except brands that are distributed by that wholesaler~~, unless the wholesaler is authorized to distribute the brand. ~~No wholesaler~~ Wholesalers shall not remove, ~~rearrange~~ rearrange, or otherwise disturb ~~any~~ malt beverages or wine displayed by another wholesaler on a retail licensed premises ~~by another wholesaler~~, except:

- (1) to return merchandise to its ~~properly~~ assigned shelf space when ~~it has been inadvertently~~ placed in the wholesaler's assigned space; ~~or~~
- (2) to remove a competitor's product from a promotional display area ~~that has been~~ assigned to the wholesaler, ~~and wholesaler~~ if the competitor's personnel are ~~not available~~ unavailable to move their own product from the area at the time ~~when~~ the wholesaler's product is scheduled to go on ~~promotion~~ promotion; or
- (3) with the consent of the affected wholesaler.

*History Note: Authority G.S. 18B-100; 18B-207; ~~18B-1116(b)~~;
Eff. January 1, 1982;
Amended Eff. July 1, 1992; May 1, 1984;
Transferred and Recodified from 04 NCAC 02T .0704 Eff. August 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.
~~[Amended]~~ ~~[Readoption]~~ Readopted Eff. May 1, 2026.*

1 14B NCAC 15C .0704 is readopted with changes as published in 40:12 NCR 999 as follows:

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3 **14B NCAC 15C .0704 QUANTITY DISCOUNTS PROHIBITED**

4 ~~No wholesaler or his employee~~ A wholesaler or **wholesaler's** salesman shall not give any a retailer a quantity discount
5 on the price of malt beverages or ~~wine, nor shall a retailer~~ wine. A quantity discount includes charging a fee for an
6 order of less than a full ~~case.~~ **case when the same fee is not charged for full case orders.** Retailers shall not require a
7 wholesaler to provide ~~these~~ quantity discounts.

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9 *History Note:* Authority G.S. 18B-100; 18B-207; ~~18B-1116(a);~~

10 *Eff. January 1, 1982;*

11 *Amended Eff. May 1, 1984;*

12 *Transferred and Recodified from 04 NCAC 02T .0705 Eff. August 1, 2015;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
14 *2017.*

15 **[Amended] Readopted Eff. May 1, 2026.**

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1 14B NCAC 15C .0705 is readopted with changes as published in 40:12 NCR 999 as follows:

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3 **14B NCAC 15C .0705 EXCLUSIVE OUTLETS**

4 ~~No~~An industry member shall not require, by agreement or otherwise, directly or indirectly, [through direct or indirect
5 or by any means, that ~~any a~~ retailer ~~engaged in the sale of malt beverages, wine or mixed beverages~~ purchase any
6 alcoholic beverages from ~~that person~~ the industry member pursuant to ~~any~~ of the following practices:

- 7 (1) ~~written or unwritten~~ contractual purchase agreements;
- 8 (2) threat of loss of supply;
- 9 (3) purchases made as a prerequisite for the purchase of short supply items; or
- 10 (4) ~~any form of~~ coercion by the industry member, including threats of physical or economic harm.

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12 *History Note: Authority G.S. 18B-100; 18B-207; 18B-1116(a);*
13 *Eff. January 1, 1982;*
14 *Amended Eff. May 1, 1984;*
15 *Transferred and Recodified from 04 NCAC 02T .0706 Eff. August 1, 2015;*
16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
17 *2017.*
18 ~~[Amended]~~ Readopted Eff. May 1, 2026.

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1 14B NCAC 15C .0706 is readopted with changes as published in 40:12 NCR 999-1000 as follows:

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3 **14B NCAC 15C .0706 INDUCEMENTS (TIED HOUSE)**

4 ~~No industry member shall:~~ Industry members shall not:

- 5 (1) acquire or hold ~~any-an~~ interest in ~~any-a~~ license or permit ~~with respect to or~~ the premises of a retail
6 permittee;
- 7 (2) acquire ~~any-an~~ interest in real or personal property owned, occupied, or used by a retail permittee ~~in~~
8 ~~the conduct of his- for the retailer's~~ business;
- 9 (3) furnish, give, rent, lend, or sell to a retail permittee ~~any~~ equipment, fixtures, signs, supplies, money,
10 services, or ~~other~~ things of value except as ~~otherwise~~ provided in these Rules;
- 11 (4) pay or credit a retail permittee for ~~any~~ advertising, display, or distribution service;
- 12 (5) guarantee ~~any-a~~ loan or the repayment of ~~any-a~~ financial obligation of a retail permittee;
- 13 (6) extend credit to a retail permittee, except as ~~otherwise~~ provided in these Rules;
- 14 (7) require a retail permittee to take and dispose of a certain quota of ~~any~~ alcoholic beverages;
- 15 (8) acquire ~~any-an~~ interest in a mortgage or deed of trust on the retailer's business or property;
- 16 (9) pay a third party for the display of advertising on ~~any~~ signs or scorecards manufactured by a third
17 party for a retailer;
- 18 (10) furnish free warehousing by delaying delivery of alcoholic beverage product or by providing
19 refrigerated vehicles for a retailer; or
- 20 (11) purchase advertising on signs, scoreboards scoreboards, and programs at ballparks, racetracks, and
21 coliseums from the retail concessionaire, unless the retailer is a city or county, and an exemption
22 has been granted pursuant to G.S. 18B-1116(b).

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24 *History Note:* Authority G.S. 18B-100; 18B-207; 18B-1116(a);

25 *Eff. January 1, 1982;*

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

27 *Transferred and Recodified from 04 NCAC 02T .0707 Eff. August 1, 2015;*

28 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
29 *2017.*

30 [Amended] Readopted Eff. May 1, 2026.

1 14B NCAC 15C .0707 is readopted with changes as published in 40:12 NCR 1000 as follows:

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3 **14B NCAC 15C .0707 COMMERCIAL BRIBERY**

4 (a) ~~No industry member~~ Industry members shall ~~make not give~~ gifts or ~~payoffs-payments~~ to purchasing agents, clerks,
5 bartenders, ~~salesmen-salesmen~~, or other employees of retail permittees.

6 (b) ~~No industry member~~ Industry members shall not give any a bonus, ~~premium-premium~~, or compensation to ~~any a~~
7 retailer or an officer, ~~employee-employee~~, or agent of the retailer. Prohibited acts include:

8 (1) monetary inducements ("push money") ~~given~~ to retailers or their employees;

9 (2) ~~total or partial~~ payment of any part of a retailer's employee's salary;

10 (3) sales promotion contests ~~in which where~~ a retailer's employees are offered or awarded ~~prizes-prizes~~
11 ~~such as trips abroad, cash, or automobiles that are totally or partially~~ financed by an industry
12 member;

13 (4) payments or gratuities to groups or associations of retailer's employees;

14 (5) ~~other gifts such as trips, appliances, or other items given~~ to retail corporate officers; or

15 (6) participation in a retailer's sales or management ~~meetings, conventions or outings-meeting,~~
16 convention, or outing by sponsoring or underwriting ~~any events in connection with at~~ the meeting,
17 ~~convention-convention,~~ or outing, unless ~~such~~ participation is limited to ~~the~~ providing of a
18 hospitality suite with light hors d'oeuvres and beverages, and the price paid for the suite is not greater
19 than that paid by any other participant in the meeting, ~~convention-convention,~~ or outing.

20 (c) Notwithstanding Paragraphs (a) and (b) of this Rule, an industry member may invite and pay for up to two
21 employees or representatives of a retail permittee ~~who is permitted under pursuant to~~ G.S. 18B-1001, ~~to, and pay for,~~
22 ~~to for~~ a business meal to discuss sales and promotions in person, ~~provided that:~~ with the following conditions:

23 (1) ~~the business meal, including beverages consumed with the meal, shall take place within North~~
24 ~~Carolina and shall not take place at any entertainment venue or in conjunction with~~
25 ~~entertainment;~~ the industry member shall conduct the business meal in North Carolina but not [at an
26 entertainment venue or]in conjunction with entertainment;

27 (2) if the industry member provides transportation, ~~that it shall be by personal vehicle only;~~ the industry
28 member shall use only a personal vehicle;

29 (3) the industry member must accompany the employees or representatives of a retail permittee for the
30 duration of the business meal;

31 (4) ~~such the industry member shall provide the~~ business meal ~~shall be provided~~ without a corresponding
32 obligation ~~on the part~~ of the retailer to purchase alcoholic beverages or to provide ~~any other a~~ benefit
33 to ~~such the~~ industry member;

34 (5) ~~such the industry member shall provide the~~ business meal ~~shall be provided~~ without a corresponding
35 obligation ~~on the part~~ of the retailer to exclude from sale the products of ~~any other another~~ industry
36 member;

1 ~~(6)~~ the cost of the business meal shall not exceed the cost of a business meal in the food and non-
2 alcoholic beverage industry provided in the ordinary course of business; ~~[business in other food and~~
3 ~~beverage service industries;]~~ and

4 ~~(7)(6)~~ an the industry member shall pay for no more than two business meals per retail permittee per
5 calendar year.

6 This Paragraph does not apply to ~~any~~ an industry member ~~that has a bona fide, with a~~ pre-existing relationship with
7 ~~any~~ a retail permittee separate from the beverage alcohol industry.

8
9 *History Note:* Authority G.S. 18B-100; 18B-207; ~~18B-1116(a);~~

10 *Eff. January 1, 1982;*

11 *Amended Eff. April 1, 2011; July 1, 1992; May 1, 1984;*

12 *Transferred and Recodified from 04 NCAC 02T .0708 Eff. August 1, 2015;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
14 *2017.*

15 ~~[Amended]~~ Readopted *Eff. May 1, 2026.*

1 14B NCAC 15C .0709 is readopted with changes as published in 40:12 NCR 1001-1002 as follows:

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3 **14B NCAC 15C .0709 PROHIBITED TRADE PRACTICES**

4 (a) General. ~~It shall be a violation of this Rule for any~~ An alcoholic beverage (~~including malt beverages, wines and~~
5 ~~spirituous liquors~~) industry ~~member, member for malt beverages, wine, or spirituous liquor, whether or not~~ licensed
6 in this ~~state, state or not~~, or any officer, director, ~~employee~~ employee, or affiliate, ~~to either directly or indirectly shall~~
7 ~~not~~ lend, give, ~~furnish~~ furnish, or ~~offer~~ offer, either directly or [indirectly,] through a third party, to ~~any a~~ retail
8 ~~permittee or his permittee, a retailer's employee, or to the owner of the premises on which where~~ the business of a
9 retailer is conducted, or for ~~any a~~ retail permittee, employee, or owner to demand, ~~require~~ require, or accept from ~~any~~
10 an industry member, ~~any~~ money, services, furniture, fixture, equipment, sign, glasses, barware, ~~supplies~~ supplies, or
11 ~~other~~ thing of value, except as provided in this Rule.

12 (b) Prohibited Services. ~~By way of illustration, the~~ The following services shall not be furnished, given, ~~provided~~
13 provided, or made available to a retail permittee by an industry member, even if the retailer is charged or billed for
14 the services for their market value:

- 15 (1) installing, ~~repairing~~ repairing, or maintaining equipment, outdoor ~~signs~~ signs, or other fixtures;
- 16 (2) promoting a retailer in advertising;
- 17 (3) reconciling inventory for a retailer;
- 18 (4) providing labor or employees to assist a retailer in the retailer's promotional events unless otherwise
19 allowed in the rules of the Commission;
- 20 (5) loaning or renting aerial displays or outdoor inflatables to a retailer for use, whether on or off the
21 retailer's licensed premises;
- 22 (6) pricing or repricing a product without the retailer's consent;
- 23 (7) warehousing, by:
 - 24 (A) making refrigerated vehicles available to the retailer; or
 - 25 (B) delaying delivery from a manufacturer, importer, nonresident ~~vendor~~ vendor, or warehouse
26 ~~in order to enable the retailer to take advantage of promotional prices or for any other~~
27 ~~reason;~~ for the retailer's advantage;
- 28 (8) affixing special retailer stamps or stickers to beer or wine ~~packaging, but a~~ packaging. A wholesaler
29 may affix signs, stickers, stamps, or tags indicating the product's price to a container, ~~shelf~~ shelf, or
30 display of ~~its~~ the wholesaler's products;
- 31 (9) entering delivery data on a retailer's in-store computer;
- 32 (10) providing data processing services;
- 33 (11) sponsoring sports leagues ~~that are~~ also sponsored by a ~~retailer,~~ retailer or that use the facilities of a
34 retailer for sporting events;
- 35 (12) guaranteeing the loan of a retailer;
- 36 (13) extending credit to a retailer;
- 37 (14) failing to require a deposit equal to that charged by the supplier on kegs and returnable bottles; or

1 (15) negotiating special prices for or financing of equipment.

2 (c) Prohibited Things of Value. ~~By way of illustration, the~~ The following things of value shall not be furnished, given,
3 loaned, ~~rented-rented~~, or sold to a retail permittee by ~~any-an~~ industry member:

4 (1) aerial displays or tethered inflatables;

5 (2) parties ~~given~~ for retailers or groups of retailers' employees, unless otherwise allowed by the rules of
6 the Commission;

7 (3) prizes at retailer conventions;

8 (4) advertising in a retailer periodical or advertising in a retailer publication designed for distribution to
9 consumers;

10 (5) outside signs;

11 (6) cooperative advertising, including:

12 (A) providing or assisting retailer promotions, whether on or off the retailer's premises;

13 (B) participation with a retailer in the advertising of alcoholic beverages, the retailer's ~~business~~
14 business, or special events unless specifically approved by the Commission in the case of
15 fundraisers for non-profit charitable organizations after consideration of the factors listed
16 in G.S. 18B-1116(b);

17 (C) underwriting the cost of T-markers, ~~scorecards-scorecards~~, or scoreboards by the purchase
18 of advertising from a third party; or

19 (D) customizing point-of-sale advertising materials, novelties, glassware, consumer ~~specialties~~
20 specialties, or product displays by printing or having printed the retailer's name, slogan or
21 logo on the item, unless otherwise specifically allowed in the rules of the Commission;

22 (7) making discounts, ~~rebates-rebates~~, or refunds to a retailer on the condition ~~that~~ the retailer use the
23 discount, ~~rebate-rebate~~, or refund to pay off a loan;

24 (8) equipment, fixtures fixtures, or furnishings; or

25 (9) clothing, except as provided in ~~Rule .0711 of this Section.~~ 14B NCAC 15C .0711.

26
27 *History Note:* Authority G.S. 18B-100; 18B-207; 18B-1116;

28 *Eff. July 1, 1992;*

29 *Amended Eff. April 1, 2011;*

30 *Transferred and Recodified from 04 NCAC 02T .0711 Eff. August 1, 2015;*

31 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
32 *2017.*

33 *[Amended] Readopted Eff. May 1, 2026.*

1 14B NCAC 15C ~~.710~~.0710 is readopted with changes as published in 40:12 NCR 1002-1004 as follows:

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3 **14B NCAC 15C .0710 ACCEPTED TRADE PRACTICES; SERVICES**

4 ~~The following service activities are specifically allowed in transactions between alcoholic beverage (which includes~~
5 ~~malt beverages, wines and spirituous liquors) industry member and retailers:~~Malt beverage, wine, and spirituous liquor
6 industry members are authorized to provide the following services to retailers:

7 (1) Shelving and Pricing for Malt Beverage and Wine Wholesalers.

8 (a) Malt beverage and wine wholesalers ~~who have been~~ assigned space in retail permittee
9 outlets may price or re-price their stock as ~~designated~~ requested by the retail permittee.

10 (b) Malt beverage and wine wholesalers may rearrange and place their brand or brands in their
11 assigned shelf space ~~so as to rotate their stock and to keep their assigned space clean and~~
12 neat.

13 (c) Malt beverage and wine wholesalers may rearrange or reset a retail permittee's alcoholic
14 beverage shelf space, display area, or department pursuant to that retail permittee's plan
15 and ~~direction, direction.~~ Industry members shall not move or disturb
16 brands sold by other industry ~~members~~ members except as authorized in 14B NCAC 15C
17 .0703.

18 ~~(2) — Coil Cleaning Service. An industry member may render coil cleaning services to a retailer.~~

19 ~~(3)~~(2) Shelf Management Plans; Notice Prior to Reset.

20 (a) An industry member may discuss with a retailer shelf-management concepts and programs
21 and may provide, publish, and make available data on market sales and analysis.

22 (b) An industry member may provide and suggest shelf-management plans which are
23 customized for a specific retail permittee or group of retail permittees. The retail permittee
24 shall remain solely responsible for implementing ~~any a~~ suggested shelf-management plan.
25 If an industry member provides a suggested shelf-management plan to a retail permittee or
26 group of retail permittees, ~~he if~~ must provide a suggested plan to ~~any other retail permittee~~
27 permittees upon request. Shelf-management plans shall meet the following conditions:

28 (i) no retail permittee or person acting on ~~its~~ the retail permittee's behalf shall
29 implement a shelf-management plan unless the retail permittee sends notice of the
30 plan to all wholesalers ~~that service that servicing the location who have provided~~
31 ~~a request to the retail permittee to receive such notice;~~ requested notification from
32 the retail permittee;

33 (ii) the retail permittee shall provide the notice to wholesalers required under this ~~Sub-~~
34 ~~item~~ SubItem at least two weeks prior to implementation of the plan and the notice
35 shall include the date and time of the contemplated plan ~~implementation and shall~~
36 ~~be provided at least two weeks before such time implementation.~~ In the event of
37 an exigent or other unforeseen circumstance in which such [If] notice cannot be

1 provided within the two week period, the retail permittee shall provide such notice
2 within a reasonable period of time as referenced by ~~[pursuant to]G.S. 25-1-~~
3 ~~205(a)~~; If it is not feasible for the retail permittee to provide notice before the two-
4 week period, the retail permittee shall provide such notice no less than 48 hours
5 prior to implementation of the plan.

6 (iii) the retail permittee shall include the proposal in a notice if an industry member
7 assists in the creation of a proposed plan, the notice provided by the retail
8 permittee shall also include the proposal plan; and

9 (iv) if a retail permittee develops a shelf-management plan without assistance from an
10 industry member or makes adjustments to less than 15 percent of the current shelf-
11 management plan, the retail permittee is not required to send the notice to
12 wholesalers required under this Sub item does not apply to a retail permittee that
13 independently develops or designs his own shelf management plan without the
14 assistance of an industry member, or who makes adjustments to less than 15
15 percent of the current self management plan. SubItem.

16 (c) A wholesaler may provide physical labor to implement a shelf-management plan.

17 (d) For purposes of this Rule, a shelf-management plan includes shelf resets.

18 (e) For purposes of this Rule, ~~notice from either~~ a retail permittee or an industry member shall
19 ~~be provided~~ provide notice by verifiable electronic mail, certified mail, or other delivery
20 service ~~which requires~~ requiring written verification of delivery, and shall include a
21 ~~designated person and contact~~ contact person's information for return correspondence.

22 **(4)(3)** Participation in Retailer Association Activities. An industry member may participate in retailer
23 association activities by:

24 (a) displaying product at association conventions or trade shows;

25 (b) renting display or booth space ~~so long as only~~ if the rental fee is the same as the fee paid
26 by all exhibitors;

27 (c) providing hospitality events which are independent from association sponsored activities;

28 (d) purchasing tickets to functions and paying registration fees only if such fees are the same
29 fees are as paid by all exhibitors; and

30 (e) making payments for advertisements in programs or brochures at association shows within
31 the dollar limits established by ~~27 C.F.R. 6.100 and the Bureau of Alcohol, Tobacco and~~
32 ~~Firearms which is incorporated herein by reference. Cost adjustment increases authorized~~
33 ~~by 27 C.F.R. 6.83 are also incorporated herein by reference but subsequent amendments to~~
34 ~~27 C.F.R. 6.100 are not incorporated. Copies of these regulations are available for~~
35 ~~inspection and copying as provided by 14B NCAC 15C .0401. Subpart D of 27 CFR Part~~
36 6, incorporated herein by reference and available for free at

1 <https://www.ecfr.gov/current/title-27/chapter-I/subchapter-A/part-6/subpart-D>.

2 **Subsequent amendments and editions are incorporated by reference.**

3 ~~(5)~~(4) Educational Seminars. An industry member may provide or sponsor seminars for retailers and their
4 employees in the following areas:

- 5 (a) the proper use of equipment;
- 6 (b) the proper storage, ~~handling~~ handling, and service of alcoholic beverages;
- 7 (c) safe driving programs;
- 8 (d) recognizing underage and intoxicated customers; and
- 9 (e) the history or aspects of a product's manufacturing process.

10 Seminars may be conducted at the premises of either the retailer or industry member. ~~Nothing in this Rule shall be~~
11 ~~construed to authorize an~~ An industry member ~~to shall not~~ pay the retailer's expenses in attending the seminar.

12 ~~(6)~~(5) Tastings. ~~Beer and wine tastings may be conducted in accordance with 14B NCAC 15B .0901 and~~
13 ~~.0902.~~ Industry members shall conduct tastings in compliance with 14B NCAC 15B, Section .0900.

14 ~~(7)~~(6) Labor for Displays. An industry member may provide personnel to construct a promotional product
15 display on the premises of a retailer, and may move other products from the display area ~~in~~
16 ~~accordance with~~ per 14B NCAC 15C .0703.

17 ~~(8)~~(7) Installations. The following items may be installed by an industry member at no charge to a retailer:

- 18 (a) point of sale advertising materials; and
- 19 (b) tapping accessories.

20 ~~(9)~~(8) Bar Spending. An industry member may visit the premises of an on-premise retail account for the
21 purpose of promoting its brands so long as:

- 22 (a) the visit is unannounced and not advertised; and
- 23 (b) a patron who refuses the industry member's offer to consume a product is offered a
24 comparable price-point beverage of ~~his~~ the patron's choice, either alcoholic or non-
25 alcoholic.

26 ~~(10)~~(9) Non-alcoholic Beverages. A malt beverage wholesaler who is also engaged in the business of selling
27 non-alcoholic beverage products may engage in the accepted trade practices of the soft drink and
28 snack food industries, so long as the sales and practices surrounding the non-alcoholic beverage
29 merchandise are not used as an unlawful inducement to purchase malt beverages.

30 Note: Wine wholesalers selling non-alcoholic beverage merchandise are governed by the provisions of 27 ~~C.F.R.~~ CFR
31 6.101.

32
33 *History Note:* Authority G.S. 18B-100; 18B-203(b); 18B-207; ~~18B-1116(b)~~;

34 *Eff. July 1, 1992;*

35 *Amended Eff. April 1, 2011;*

36 *Transferred and Recodified from 04 NCAC 02T .0712 Eff. August 1, 2015;*

1 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,
2 2017.
3 [Amended] Readopted Eff. May 1, 2026.

1 14B NCAC 15C .0711 is readopted with changes as published in 40:12 NCR 1004-1005 as follows:

2
3 **14B NCAC 15C .0711 ACCEPTED TRADE PRACTICES; THINGS OF VALUE; RETAIL PERMITTEES**

4 (a) Items That Must Be Sold. ~~The following things of value shall not be given, loaned or rented by any alcoholic~~
5 ~~beverage (which includes malt beverages, wines and spirituous liquors) industry member~~ Malt beverage, wine, and
6 spirituous liquor industry members shall not give, lend, or rent to a retail permittee, but may be sold ~~sell~~ to the retail
7 permittee at the price paid for the item by the first industry member who acquires the item; following things of value:

- 8 (1) novelties, ~~such as~~ coolers, umbrellas, ice chests, beach towels, towels, and sports equipment, so long
9 as the novelty item if the item has not been customized for a retail permittee with the retail
10 permittee's name or logo;
- 11 (2) glassware and cups, ~~so long as the items have if the item has~~ not been customized for a retail
12 permittee with the retail permittee's name or logo;
- 13 (3) carbon dioxide;
- 14 (4) ice;
- 15 (5) beer tapping accessories, ~~including~~ faucets, rods, vents, taps, hoses, washers, couplings, gas gauges,
16 vent tongues, shanks, and check valves; and
- 17 (6) menus that exceed the number of food items ~~provided in [pursuant to]~~ allowed by 14B NCAC 15B
18 .1006(a)(3).

19 (b) Items That May Be Provided at No Charge. Industry members may give, provide, loan, rent, or sell the ~~The~~
20 following things of value may be given, furnished, loaned, rented or sold by an industry member to a retail permittee:

- 21 (1) samples of malt beverage, ~~wine~~ wine, and spirituous liquor products in the following quantities:
- 22 (A) no more than three gallons of any brand of malt beverages;
- 23 (B) no more than three liters of any brand of wine; and
- 24 (C) no more than 50 milliliters of any brand of spirituous liquor.

25 Industry members may only give samples ~~Samples may be given only~~ to a retail permittee who has not previously
26 purchased those brands from the industry member within the previous calendar year.

- 27 (2) recipes, ~~booklets~~ booklets, and brochures for cooking with ~~wine, malt beverages~~ malt beverages,
28 wine, or spirituous liquors as described in pursuant to 14B NCAC 15B .1006(a)(3). ~~.1006(a)(3);~~
- 29 (3) malt beverage, ~~wine~~ wine, and mixed beverage ~~lists, in accordance with~~ lists pursuant to 14B NCAC
30 15B .1006(a)(3). ~~.1006(a)(3);~~
- 31 (4) combination ~~packaging, as provided in~~ packaging pursuant to 27 C.F.R. ~~CFR~~ 6.93;
- 32 (5) consumer specialty items such as bottle or can openers, cork screws, ash trays, shopping bags,
33 individual can coolers, hats, caps, visors, t-shirts (without collars or buttons), or key chains. Such
34 items may be given to retail permittees for distribution to consumers, or may be provided by industry
35 member personnel directly to consumers at the retail permittee's place of business during visits that
36 are not announced or advertised to consumers. Consumer specialty items shall not be customized
37 for a retail permittee with the retail permittee's name or logo; and.

1 (6) product displays, to include wine racks, bins, barrels, casks and shelving from which malt beverage,
2 wine or spirituous liquor are displayed and sold, so long as:

3 (A) each display bears ~~conspicuous and substantial~~ advertising matter; and

4 (B) the dollar limitations per brand do not exceed ~~one hundred sixty dollars (\$160.00); those~~
5 established in G.S. 18B-105.

6 (7)(6) point of sale advertising materials which have value only as advertising, so long as the pieces have
7 not been customized for any individual retail ~~permittee; and permittee.~~

8 (8) retail permittee advertising specialty items as described in 14B NCAC 15B .1006(a)(4), so long as
9 the items have not been customized for an individual retail permittee, and so long as the dollar
10 limitations per brand do not exceed ~~three hundred dollars (\$300.00) per year; those established in~~
11 G.S. 18B-105.

12 (c) Point-Of-Sale Advertising Materials. Notwithstanding having a secondary value, the following items are
13 considered to be point-of-sale materials and an industry member is not required to submit to legal@abc.nc.gov ~~need~~
14 ~~not be submitted by an industry member~~ for approval prior to use, so long as the items bear conspicuous advertising
15 matter:

16 (1) clocks;

17 (2) lamps;

18 (3) lighted displays;

19 (4) blackboards;

20 (5) bulletin boards;

21 (6) dart board backgrounds;

22 (7) menu and price boards;

23 (8) tap standards;

24 (9) calendars;

25 (10) mirrors; and

26 (11) prizes offered in a consumer sweepstakes or contest pursuant to 14B NCAC 15C .0714(b). ~~The~~
27 ~~prizes shall bear a sticker that shows it is the property of the industry member. Industry members~~
28 ~~shall place a sticker on prizes to show the prize is the property of the industry member. The prizes~~
29 ~~shall be picked up by the industry member shall pick up the prize~~ at the conclusion of the
30 sweepstakes or contest.

31 (d) The provisions of ~~27 C.F.R. CFR~~ 6.93 referenced in this Rule are incorporated by ~~reference, but such incorporation~~
32 ~~does not include subsequent amendments. Copies of this regulation are available for inspection and copying as~~
33 ~~provided in 14B NCAC 15C .0401, reference including subsequent amendments and editions that may be accessed for~~
34 free at <https://www.ecfr.gov/current/title-27/section-6.93>.

35 (e) Nothing ~~within in~~ this Rule applies to ABC boards.

36
37 *History Note: Authority G.S. 18B-100; 18B-105; 18B-207; 18B-1116(b);*

1 *Eff. July 1, 1992;*
2 *Amended Eff. April 1, 2011;*
3 *Transferred and Recodified from 04 NCAC 02T .0713 Eff. August 1, 2015;*
4 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
5 *2017.*
6 *[Amended] Readopted Eff. May 1, 2026.*

1 14B NCAC 15C .0712 is readopted with changes as published in 40:12 NCR 1005-1006 as follows:

2
3 **14B NCAC 15C .0712 TRANSACTIONS WITH GOVERNMENT AND SPECIAL ONE-TIME**
4 **PERMITTEES**

5 (a) Permitted Activities. Notwithstanding the restrictions contained in 14B NCAC 15C .0709, ~~the following activities~~
6 ~~by alcoholic beverage (which includes malt beverages, wines and spirituous liquors)~~ malt beverage, wine, and
7 spirituous liquor industry members are ~~allowed, as described in this Rule, authorized to conduct the following~~
8 activities in transactions with cities, counties, the ~~state, or State,~~ in transactions with nonprofit or political
9 organizations that have obtained a Special One-Time permit under the provisions of G.S. 18B-1002(a)(2) or (5), or in
10 transactions with nonprofit organizations that do not hold an ABC permit:

- 11 (1) sponsorships of festivals, concerts, ~~fundraisers~~ fundraisers, or special events cosponsored by the
12 local government, the ~~state~~ State, or nonprofit or political organizations, including payments of
13 advertising fees;
- 14 (2) loaning or renting portable equipment to a local government, the ~~state~~ State, or a nonprofit or
15 political organization so long as the equipment loaned or rented is for a single event of limited
16 duration;
- 17 (3) contracts to provide payment for permanent advertising on signs or scoreboards when the industry
18 member has submitted a request ~~for and received an exemption pursuant to G.S. 18B-1116(b); to~~
19 legal@abc.nc.gov and received approval;
- 20 (4) providing labor or employees to assist in the setting up or changing of draft beer kegs and equipment
21 which has been loaned or rented pursuant to Subparagraph (a)(2) of this Rule;
- 22 (5) loaning or renting ~~previously approved~~ aerial displays or outdoor ~~inflatables~~ inflatables, approved
23 prior to the event by submission to legal@abc.nc.gov, for the duration of a special event;
- 24 (6) loaning or allowing the use of refrigerated vehicles;
- 25 (7) providing novelties, ~~prizes~~ prizes, or prize money to nonprofit organizations that have obtained a
26 Special One-Time Permit;
- 27 (8) providing cash contributions, product ~~donations~~ donations, and other consumer goods, ~~provided on~~
28 the condition that any donated product remaining after the event is ~~not supplied~~ provided by the
29 Special One-Time Permittee to a ~~regular~~ retail permittee;
- 30 (9) participation with a local government or the ~~state~~ State in the advertising of events cosponsored by
31 the local government or ~~state~~; State; and
- 32 (10) ~~accepting after the event is over, accepting, for cash or credit, the return of alcoholic beverages not~~
33 sold, for cash or credit, after the event is over.

34 (b) Sponsorship/Advertising Agreements Restricted. ~~No Industry members shall not enter a~~ sponsorship agreement
35 or advertising contract ~~between an industry member and with~~ a city, county, the ~~state~~, State, or a Special One-Time
36 permittee ~~shall contain any agreement, either express or implied, where, either express or implied, that~~ the industry

1 member's products will be sold to the exclusion, in whole or in part, of other brands of alcoholic beverages offered by
2 competitors.

3 (c) Cosponsorship with Retail Permittee. ~~In any promotion by an~~ An industry member shall not promote or sponsor
4 an event with a local government, the ~~state, State,~~ or a nonprofit organization ~~in which there is cosponsorship by where~~
5 a retailer other than the local government or the ~~state, State~~ has a cosponsorship unless the industry member ~~shall~~
6 ~~obtain~~ obtains prior written approval from the Commission at legal@abc.nc.gov and as provided in 14B NCAC 15C
7 .0715.

8
9 *History Note:* Authority G.S. 18B-100; 18B-207; ~~18B-1116(b);~~
10 Eff. July 1, 1992;
11 Amended Eff. November 1, 2012; April 1, 2011;
12 Transferred and Recodified from 04 NCAC 02T .0714 Eff. August 1, 2015;
13 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,
14 2017.
15 ~~[Amended]~~ Readopted Eff. May 1, 2026.

16
17

1 14B NCAC 15C .0713 is readopted with changes as published in 40:12 NCR 1006 as follows:

2
3 **14B NCAC 15C .0713 TOURNAMENTS**

4 (a) General. ~~Sponsorship by an~~ An industry member may sponsor of a regional, ~~statewide~~ statewide, or national sports
5 ~~tournament, when the tournament is held~~ on the property or premises of a retail ~~permittee, is permissible~~ permittee
6 only if all of the following conditions are met:

- 7 (1) The tournament is promoted or sanctioned by the official governing body of the sport, or is promoted
8 and sponsored by a ~~bona fide~~ nonprofit organization for the purpose of raising funds for a civic,
9 scientific, ~~charitable~~ charitable, or educational cause;
- 10 (2) An industry member does not give, rent, or loan ~~No~~ money, novelty ~~items~~ items, or other prohibited
11 ~~services~~ services, or things of value ~~are given, rented or loaned by an industry member~~ to the retailer;
12 and
- 13 (3) An industry member gives all ~~All~~ sponsorship ~~money or fees and other~~ money, fees, and things of
14 ~~value from the industry member are given~~ to the official governing body of the sport or the nonprofit
15 organization.

16 (b) Advertising. An industry member may advertise ~~via mass media~~ or pay for the advertising of a tournament ~~when~~
17 ~~the primary theme of the advertisement is the tournament and its purpose.~~ [purpose are the main theme.] only if the
18 primary purpose of the tournament is to raise funds for a civic, scientific, charitable, or educational cause. The
19 Commission shall consider advertising materials, social media accounts, and websites in determining a tournament's
20 primary purpose. ~~The naming of~~ Citing the retailer's premises as the location of a tournament shall not be construed
21 to be cooperative advertising in violation of 14B NCAC 15B .1005 ~~of this Chapter~~ when the retailer's ~~tradename~~ trade
22 name is stated in substantially smaller ~~typeface~~ typeface than the majority of the advertisement.

23 (c) Sponsorship/Advertising Agreements Restricted. No industry member agreeing to sponsor a tournament shall
24 enter into any agreement or contract, either express or implied, that a retailer or special one-time permittee will sell
25 that industry member's products to the exclusion, in whole or in part, of other brands of alcoholic beverages offered
26 by competitors.

27 (d) Joint Sponsorships. An industry member shall not agree to cosponsor ~~any a~~ tournament with ~~any a~~ retail permittee
28 unless the proceeds from the tournament are paid to a nonprofit civic, scientific, ~~charitable~~ charitable, or educational
29 organization.

30 (e) Prohibited Sponsorships. An industry member shall not sponsor or aid a retailer in the promotion of ~~any a~~
31 tournament held ~~primarily~~ to benefit the retailer, its employees, ~~members~~ members, or guests.

32
33 *History Note:* Authority G.S. 18B-100; 18B-207; ~~18B-1116(b);~~

34 *Eff. July 1, 1992;*

35 *Amended Eff. November 1, 2012;*

36 *Transferred and Recodified from 04 NCAC 02T .0715 Eff. August 1, 2015;*

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3

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.
[Amended] Readopted Eff. May 1, 2026.

1 14B NCAC 15C .0714 is readopted with changes as published in 40:12 NCR 1006 as follows:

2

3 **14B NCAC 15C .0714 CONSUMER CONTESTS; SWEEPSTAKES**

4 (a) General. ~~Malt beverage, wine, and spirituous liquor industry members may offer consumer~~ Consumer contests or
5 sweepstakes ~~may be offered by an alcoholic beverage (which includes malt beverages, wines and spirituous liquors)~~
6 ~~industry member so long as only if~~ no purchase is required. Entry forms may be attached to or part of an alcoholic
7 beverage label or package so long as ~~alternative methods of entry are available to the consumer by means of a tear~~
8 pad of entry forms is available to the consumer at the point of purchase or ~~by means of~~ electronic entry forms are
9 available on the internet.

10 (b) Point-of-Sale Permissible; Restriction on Retailer Involvement. An industry member may provide to a retailer
11 point-of-sale advertising materials promoting a sweepstakes or contest. An industry member shall not offer or promote
12 ~~any a~~ sweepstakes or contest in conjunction with ~~any a~~ retailer as a cosponsor or as the provider of ~~any a~~ prize. No
13 prizes may be drawn or awarded on the premises of ~~any a~~ retailer. Officers, ~~employees~~ employees, and representatives
14 of industry members and retailers are excluded from participating in a consumer sweepstakes or contest offered under
15 this Rule.

16

17 *History Note:* Authority G.S. 18B-100; 18B-105; 18B-207; 18B-1116(b);

18 *Eff. July 1, 1992;*

19 *Amended Eff. April 1, 2011;*

20 *Transferred and Recodified from 04 NCAC 02T .0716 Eff. August 1, 2015;*

21 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
22 *2017.*

23 [Amended] Readopted Eff. May 1, 2026.

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25