

1 14B NCAC 15A .0104 is adopted with changes as published in 32:18 NCR 1745 as follows:

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3 **14B NCAC 15A .0104 PAYMENT OF FEES AND FINES**

4 ~~(a) Except as otherwise limited in this Rule, payment~~Payment of fees and fines owed to the Commission may be paid
5 by certified check, cashier's check, money order, electronic payment, or Discover, Mastercard, or Visa credit cards.

6 ~~Payments~~However, payments for permit renewals for more than nine locations shall not be made by credit card.

7 (b) Credit card and electronic payments may be made online through the Commission's website.

8 (c) All payments shall be made payable to the North Carolina ABC Commission.

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10 *History Note: Authority G.S. ~~18B-100~~,18B-100; 18B-104; 18B-206; 18B-207; 18B-902; 18B-903;*
11 *Eff. July 1, 2018.*
12

14B NCAC 15B .0102 is readopted with changes as published in 32:18 NCR 1745 as follows:

14B NCAC 15B .0102 APPLICATIONS FOR PERMITS: GENERAL PROVISIONS

(a) ~~Forms.~~—Application forms for all ABC permits may be obtained from the North Carolina Alcoholic Beverage Control Commission's office or ~~web site~~website as ~~referenced~~set forth in 14B NCAC 15A .0102.

(b) ~~Statutory Requirements.~~—~~Before the issuance of any ABC permit, an applicant shall comply with the statutory requirements of Articles 9 and 10 of Chapter 18B of the General Statutes and with the rules of the Commission.~~

(c) ~~Separate Permits Required.~~—An applicant operating ~~separate~~noncontiguous buildings or ~~structures not connected directly with each other~~structures, except as permitted pursuant to G.S. 18B-1120, or businesses with separate trade namesnames, shall obtain and hold separate permits for each building or business for which he or she wants permits, and shall pay the ~~appropriate~~ application fees as ~~provided~~set forth in G.S. 18B-902(d). ~~Where there are multiple buildings, and the Commission determines that the business is operated as one entity, the Commission may, in its discretion, issue one permit.~~ [An applicant operating contiguous buildings or structures over which the applicant has exclusive control over the buildings and the space between buildings, and the buildings are operated as one business as determined by the Commission, may obtain and hold a single permit for the business.] If the applicant requests a single permit for a business that is operated in contiguous buildings or structures over which the applicant has exclusive control over the buildings and the space between buildings, the Commission shall determine if the business is operating as a single business with the same operating scheme and purpose. If so, the Commission shall issue a single permit for the business.

~~(d)(c) Information Required on Application.~~—~~An~~Each individual required to qualify for an ABC permit under G.S. 18B-900(c) ~~applicant for an ABC permit~~ shall file a written application with the Commission and in the application shall state, under oath, the following information:

- (1) ~~name and address of applicant;~~the name, address, email address, last four digits of social security number, and telephone number(s) of the applicant;
- (2) ~~the name of the business and whether the business is a sole proprietorship, corporate, corporation, limited liability company, company, or partnership name; partnership;~~
- (3) ~~the mailing address and location address of the business for which a permit is desired, and the county in which county, and city if applicable, where the business is located;~~
- (4) ~~the trade name of business;~~
- (5) ~~name and address of owner of premises;~~
- (6) ~~the applicant's date and place of birth;~~
- ~~(7)(6)~~ if the business is a corporation or limited liability company, the name and address of the agent or employee person authorized to serve as process agent (person upon whom accept service of process under G.S. 1A, Rule 4(j) legal service of Commission notices or orders can be made); orders;
- ~~(8)(7)~~ if the applicant is a non-resident, the name and address of person a resident of this State appointed as the applicant's attorney-in-fact in accordance with Chapter [32A]32C of the General Statutes by a power of attorney; for purposes of G.S. 18B-900(a)(2)b.;

1 ~~(9)~~(8) an actual diagram of the premises showing:
 2 (A) the entrances and exits;
 3 (B) the storage area for alcoholic beverages; and
 4 (C) the locations where alcoholic beverages will be served or consumed; and
 5 (D) the exterior areas under lease, authority, or control of the applicant;
 6 ~~(10)~~(9) that the applicant is the actual and bona fide owner or lessee of the premises, premises, or controls
 7 the premises pursuant to a management agreement to operate the premises with the actual owner or
 8 lessee, for which where a permit is sought and shall submit a copy or memorandum of the lease
 9 showing the applicant as tenant, or a copy of the deed showing the applicant as the grantee or
 10 owner; sought;
 11 ~~(11)~~ that the applicant intends to carry on the business authorized by the permit himself or herself or
 12 under his or her immediate supervision and direction; and
 13 ~~(12)~~(10) that the applicant is an actual and bona fide resident of the State of North Carolina or, as a non-
 14 resident, has appointed, by a power of attorney, a resident manager manager, who is an actual
 15 resident of this State, to serve as attorney-in-fact who will manage the business and accept service
 16 of process and official Commission notices or orders orders; and
 17 (11) that the applicant is in compliance with G.S. 18B-900(a)(3) through (8).
 18 (d) The following documents completed, signed, notarized, and recorded, as applicable, shall be attached to and
 19 submitted with an application, and shall be incorporated as part of the application:
 20 (1) a Zoning and Compliance Form signed by the appropriate officials pursuant to G.S. 18B-901(c);
 21 (2) for applicants for retail permits, a Proof of Alcohol Seller/Server Training Form containing the
 22 applicant's name, business name, address, and telephone number, and a certification of completion
 23 of an approved Alcohol Seller/Server training class with training date issued by the approved course
 24 provider unique to the applicant;
 25 (3) the fingerprint card, Authority for Release of Information Form, and certified check,
 26 [cashier]cashier's check, money order, electronic payment, or credit card payment made payable to
 27 the North Carolina ABC Commission in the amount of thirty-eight dollars (\$38.00) for payment of
 28 a state and national fingerprint based check pursuant to [14B NCAC 18B .0405;]14B NCAC 18B
 29 .0405, which is incorporated herein by reference, including subsequent amendments and editions;
 30 (4) payment of applicable permit fees as authorized in 14B NCAC 15A .0104;
 31 (5) a certified copy of any recorded power of attorney registered in the county where the proposed
 32 licensed premises is located;
 33 (6) a Recycling Compliance Form for on-premise malt beverage, fortified wine, unfortified wine, and
 34 mixed beverage permits only;
 35 (7) for corporations not already holding a permit in this State, a copy of the Articles of Incorporation
 36 and notarized corporate certification of shareholders holding 25% or more of the shares of the
 37 corporation;

- 1 (8) for limited liability companies not already holding a permit in this State, a copy of Articles of
2 Organization and notarized organizational certification of members owning 25% or more interest in
3 the company. Additionally, if manager managed, a copy of the Operating Agreement;
4 (9) a black and white copy of applicant's current photo [identification that bears a reasonable
5 resemblance to the applicant;]identification;
6 (10) a copy or memorandum of the lease showing the applicant as tenant, a copy of the deed showing the
7 applicant as the grantee or owner, or a copy of a management agreement with the owner or lessee
8 of the permitted property showing the applicant has the authority to operate the business at the
9 permitted location;
10 (11) a diagram of the premises including the details required pursuant to Subparagraph (c)(8) of this
11 Rule; and
12 (12) a Federal Employer Identification/Social Security Number Verification Form.

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14 History Note: Authority 18B-100; ~~18B-206(a);~~ 18B-207; 18B-900; ~~18B-901(d);~~ 18B-901; 18B-902; 18B-903;
15 ~~18B-905; 18B-1000(3); 18B-1001; 18B-1008; 18B-1009;~~
16 Eff. January 1, 1982;
17 Amended Eff. January 1, 2011; July 1, 1992; May 1, 1984;
18 Temporary Amendment Eff. October 25, 2013;
19 Amended Eff. September 1, 2014;
20 Transferred and Recodified from 04 NCAC 02S .0102 Eff. August 1, 2015;
21 Recodified Paragraphs (c)-(l) to 14B NCAC 15B .0103 Eff. July 1, 2018;
22 Readopted Eff. July 1, 2018.

1 14B NCAC 15B .0103 is readopted with changes as published in 32:18 NCR 1745 as follows:

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3 **[Paragraphs (e) through (l) of 15B .0102 will be recodified as 15B .0103, and the existing 15B .0103 will be**
4 **recodified as 15B .0109.]**

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6 **14B NCAC 15B .0103 ADDITIONAL PERMIT LIMITATIONS AND REQUIREMENTS**

7 ~~(e)(a) General Restriction; Living Quarters.~~ No permit for the possession, ~~sale,~~ or consumption of alcoholic
8 beverages shall be issued to any establishment when there are living quarters ~~in or connected directly thereto,~~ to the
9 premises being permitted, and no permittee shall establish or maintain living quarters in or connected to ~~his or her the~~
10 permittee's licensed premises.

11 ~~(f)(b) General Restriction; Restrooms.~~ No permit for the on-premises possession, sale, or consumption of alcoholic
12 beverages shall be issued to any establishment unless there are two restrooms in working order on the premises. The
13 Commission shall waive ~~this the two-restroom~~ requirement upon a showing by the permittee that ~~he or she will suffer~~
14 financial hardship or the safety of the employees will be jeopardized; it is not possible to have a second restroom in
15 the existing premises due to building restrictions under historical preservation or zoning laws, or building or fire codes,

16 ~~(g)(c) Areas for Sales and Consumption.~~ In determining the areas where alcoholic beverages ~~will~~ may be sold and
17 consumed, the Commission shall consider the convenience of the permittee and patrons, allowing the ~~fullest~~ maximum
18 use of the premises consistent with the control of the sale and consumption of alcoholic ~~beverages, but the beverages.~~
19 ~~Commission will attempt to avoid consumption~~ Consumption shall not be allowed in areas open to the general public
20 other than patrons. To be approved, any premises shall have delineated vertical boundaries that the consumer would
21 recognize as indicating the boundaries that physically separate areas where consumption is allowed from areas open
22 to the general public other than patrons.

23 ~~(h) Temporary Permits for Continuation of Business.~~ ~~The Commission may issue temporary permits to an applicant~~
24 ~~for the continuation of a business operation that holds current ABC permits when a change in ownership or location~~
25 ~~of a business has occurred. To obtain a temporary permit an applicant shall submit the appropriate ABC permit~~
26 ~~application form, all required fees, a lease or other proof of legal ownership or possession of the property on which~~
27 ~~the business is to be operated, and a written statement from the ALE agent in that area stating that there are no pending~~
28 ~~ABC violations against the business. An applicant for a temporary permit shall also submit the permits of the prior~~
29 ~~permittee for cancellation prior to the issuance of any temporary permit. No temporary permit shall be issued to any~~
30 ~~applicant unless all prior ABC permits issued for the premises have been cancelled by the Commission.~~

31 ~~(i)(d) Retail Sales at Public Places Restricted.~~ The sale and delivery of alcoholic beverages by permitted retail outlets
32 located on ~~fair grounds, fairgrounds,~~ golf courses, ball parks, race tracks, and other similar public places are restricted
33 to an enclosed establishment in a designated place. No alcoholic beverages shall be sold, served, or delivered by these
34 outlets outside the enclosed establishment, nor in grandstands, stadiums, or bleachers at public gatherings, except as
35 provided in Paragraph ~~(4)(g)~~ of this Rule. As used in this Paragraph, the term "enclosed establishment" includes a
36 temporary structure or structures constructed and used for the purpose of dispensing food and beverages at events to

be held on fairgrounds, golf courses, ball parks, race tracks, and other similar places. Sales of alcoholic beverages may be made in box seats only under the following conditions:

- (1) table service of food and non-alcoholic beverages are available to patrons in box seats;
- (2) no alcoholic beverages are delivered to the box seats area until after orders have been taken; and
- (3) box seat areas have been designated as part of the permittee's premises on a diagram submitted by the permittee, and the Commission has granted written approval of alcoholic beverage sales in these seating areas.

~~(j)(e)~~ If one permittee has more than one location within a single terminal of an airport boarding at least 150,000 passengers annually and that permittee leases space from the airport authority, the permittee in such a situation may:

- (1) obtain a single permit for all its locations in the terminal;
- (2) use one central facility for storing the alcoholic beverages it sells at its locations; and
- (3) pool the gross receipts from all its locations for determining whether it meets the requirements of G.S. 18B-1000(6) and 14B NCAC 15B .0514.

~~(k)(f) Food Businesses.~~ Unless the business otherwise qualifies as a wine shop primarily engaged in selling wines for off-premise consumption, a food business qualifies for an off-premise fortified wine permit only if it maintains an inventory of staple foods worth at least one thousand five hundred dollars (\$1,500) at retail value. Staple foods include meat, poultry, fish, bread, cereals, vegetables, fruits, vegetable and fruit juices, and dairy products. Staple foods do not include coffee, tea, cocoa, soft drinks, candy, condiments, and ~~spices.~~ baked goods ingredients, except for ingredients also listed as staple foods in this Paragraph.

~~(l)(g) Professional Sporting Events.~~ Notwithstanding Paragraph ~~(i)(d)~~ of this Rule, holders of a retail permit pursuant to G.S. 18B-1001(1) may ~~sell malt beverages for consumption in the seating areas of stadiums, ball parks, and similar public places with a seating capacity of 3,000 or more during professional sporting events.~~ have in-stand sales pursuant to G.S. 18B-1009, provided that:

- (1) the permittee or the permittee's employee shall not wear or display alcoholic beverage branded advertising;
- (2) the permittee or the permittee's employee shall not use branded carrying trays, coolers, or other equipment to transport malt beverage products;
- (3) the permittee or the permittee's employee may display the malt beverage product names and prices provided that all of the product names are displayed with the same font size and font style; and
- (4) in-stand sales shall cease, whichever is earlier, upon the cessation of other malt beverage sales otherwise in the sports facility or upon the commencement of:
 - (A) the eighth inning during baseball ~~games; provided that games.~~ However, if a single ticket allows entry to more than one baseball game, then the eighth inning of the final game;
 - (B) the fourth quarter during football and basketball games;
 - (C) the sixtieth minute during soccer games;
 - (D) the third period during hockey games;
 - (E) the final 25 percent of the distance scheduled for automotive races; and

(F) the final hour of the anticipated conclusion of a contest or event for all other events.

History Note: Authority G.S. 18B-100; 18B-207; 18B-900; 18B-901; 18B-902; 18B-903; 18B-905; 18B-1000(3); 18B-1001; 18B-1008; 18B-1009; Transferred from 14B NCAC 15B .0102(c)-(l) Eff. July 1, 2018; Readopted Eff. July 1, 2018.

1 14B NCAC 15B .0113 is adopted with changes as published in 32:18 NCR 1745 as follows:

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3 **14B NCAC 15B .0113 ALCOHOL SELLER/SERVER TRAINING**

4 (a) All applicants applying for retail ABC permits shall submit as part of the application proof of responsible alcohol
5 seller/server training prior to obtaining an ABC permit.

6 (b) The Commission shall accept documentation provided by an approved course provider or approved corporate,
7 ~~partnership~~partnership, or limited liability company business permittee, such as a certificate of training or transcript.
8 In the event the approved course provider did not issue a document reflecting completion of training, the applicant
9 may have the course provider sign a form provided by the ABC Commission attesting to completion of this training.

10 (c) Minimum course content requirements for an approved responsible alcohol seller/server training course shall
11 include North Carolina-specific laws including:

- 12 (1) age requirements for possessing, purchasing, and consuming alcoholic beverages;
- 13 (2) age requirements for selling and serving alcoholic beverages;
- 14 (3) acceptable forms of identification;
- 15 (4) methods to detect fake, altered, and imposter forms of identification;
- 16 (5) State Dram Shop laws;
- 17 (6) sales to intoxicated persons, including:
 - 18 (A) penalties;
 - 19 (B) prevention;
 - 20 (C) typical signs of intoxication; and
 - 21 (D) methods of detecting intoxication in customers;
- 22 (7) sales to underage persons, including:
 - 23 (A) penalties;
 - 24 (B) prevention; and
 - 25 (C) methods of identifying ~~potential~~potentially underage customers;
- 26 (8) hours of sale and consumption, including clearing of tables;
- 27 (9) prohibited conduct on the ABC licensed premises, including:
 - 28 (A) drug use; and
 - 29 (B) gambling; and
- 30 (10) amounts of alcohol that may be purchased by customers in accordance ~~with~~with G.S. 18B-303.

31 (d) Responsible alcohol seller/server training courses and providers shall be approved by the Commission before a
32 certificate of training or transcript will be accepted by the Commission for purposes of this Rule. A person seeking
33 to become an approved vendor for alcohol education in North Carolina and a business permittee that provides training
34 for its own employees shall submit the course provider's name, mailing, physical and email addresses, telephone
35 numbers and the contract person's name and contact information, together with a copy of its responsible alcohol
36 seller/server training program course content, to the Commission for approval. The Commission shall approve courses
37 and providers that meet the minimum course content requirements set forth in Paragraph (c) of this Rule. Course

1 approval shall be valid for three years. A course provider's course content shall be submitted to the Commission for
2 approval at least once every three years in order to maintain approved status.

3 (e) An approved course provider shall update their responsible alcohol seller/server training course content within 30
4 days of notice from the Commission to the course provider of changes needed in the alcohol education training
5 curriculum to reflect changes in current ABC laws or rules.

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7 *History Note: Authority G.S. 18B-100; 18B-122; 18B-207;*
8 *Eff. July 1, 2018.*

1 14B NCAC 15B .1003 is readopted with changes as published in 32:18 NCR 1750 as follows:

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3 **14B NCAC 15B .1003 PROHIBITED STATEMENTS IN ADVERTISING OR ON LABELS**

4 (a) General Restrictions. An advertisement or product label on any alcoholic product sold or distributed in this State
5 shall not contain:~~contain any statement, design, device, or representation that:~~

6 (1) ~~any statement, design, device or representation that is false or misleading in any material particular;~~

7 (2) ~~any statement that is disparaging of a competitor's products;~~

8 (3) ~~any statement, design, device or representation which depicts nudity or is obscene or indecent;~~

9 (4) ~~any statement, design, device or representation of or relating to analysis, standards or tests,~~
10 ~~irrespective of falsity, which is likely to mislead the consumer;~~

11 (5) ~~any statement, design, device or representation of or relating to any guaranty, irrespective of falsity,~~
12 ~~which is likely to mislead the consumer. Nothing in this Section shall prohibit the use of an~~
13 ~~enforceable guaranty in substantially the following form: "We will refund the purchase price to the~~
14 ~~purchaser if he is in any manner dissatisfied with the contents of this package";~~

15 (6) ~~any statement that the product is produced, blended, made, bottled, packed or sold under or in~~
16 ~~accordance with any authorization, law or regulation of any municipality, county or state, federal or~~
17 ~~foreign government, unless such statement is required or specifically authorized by the laws or~~
18 ~~regulations of such government; and if a municipal, county, state or federal permit number is stated,~~
19 ~~such permit number shall not be accompanied by any additional statement relating thereto;~~

20 (7)(1) ~~any statement, picture or illustration implying that the consumption of alcoholic beverages enhances~~
21 ~~athletic prowess, or any statement, picture or illustration referring to any known athlete, if such~~
22 ~~statement, picture or illustration implies, or if the reader may reasonably infer, that the use of this~~
23 ~~product contributed to such athlete's athletic achievements; is contrary to the Federal Alcohol~~
24 ~~Administration Act, 27 C.F.R. Sections 4.39, 4.64, 5.42, 5.65, 7.29, or 7.54, as interpreted by the~~
25 ~~[Commission,]Commission. The provisions of 27 C.F.R. Sections 4.39, 4.64, 5.42, 5.65, 7.29, and~~
26 ~~7.54 referenced in this Rule are hereby incorporated, including subsequent amendments and~~
27 ~~editions, and may be accessed for free at <https://www.gpo.gov>;~~

28 (8)(2) ~~any picture or illustration depicting~~ ~~depicts~~ the use of alcoholic beverages in a scene ~~which~~~~that~~ is
29 ~~determined by the Commission to be undignified, immodest~~~~immodest~~, or in bad taste;

30 (9)(3) ~~any offer of~~ ~~offers~~ a prize or award upon the completion of any contest in which there is a
31 requirement to purchase the advertised product, ~~except as otherwise permitted pursuant to 14B~~
32 ~~NCAC 15C .0714, provided that, that~~ no advertisement shall promote a game of chance or a lottery;

33 (10)(4) ~~any subject matter or illustrations inducing persons under 21 years of age to drink; promotes or~~
34 ~~encourages the sale to, or use by, persons under 21 years of age of alcoholic beverages, including~~
35 ~~any representation portraying a person under 21 years of age consuming alcoholic beverages;~~

36 (11)(5) ~~any statement, picture or illustration is inconsistent with the spirit of safety or safe driving~~
37 ~~programs;~~State laws of public safety or safe driving.

- ~~(12)(6)~~ any scene that would be ~~is~~ contrary to ~~state~~State laws and rules governing sale, ~~storage~~storage, and/or consumption of alcoholic beverages; or
- ~~(13)~~ any statement concerning a brand that is inconsistent with any statement on the labeling thereof;
- ~~(14)~~ any statement, design or device representing that the use of a brand has curative or therapeutic effects, if such statement is untrue in any particular, or tends to create a misleading impression;
- ~~(15)~~ any statement or representation that the product was manufactured in or imported from a place or country other than that of the actual origin, or was produced or processed by one who was not in fact the actual producer or processor;
- ~~(16)~~ any statement, design, device or pictorial representation of or relating to or capable of being construed as relating to the armed forces of the United States or the American Flag, state flag, or any emblem, seal, insignia or decoration associated with any such flag of armed forces of the United States; nor shall any advertisement contain any statement, device, design or pictorial representation of or concerning any flag, seal, coat of arms, crest or other insignia, likely to mislead the consumer into believing that the product has been endorsed, made or used by, produced for or under the supervision of or in accordance with the specifications of the government, organizations, family or individual with whom the flag, seal, coat of arms, crest or insignia is associated; or
- ~~(17)~~ words such as "high test," "high proof," "full strength," "extra strong," or similar descriptive terms, or direct or indirect references to the intoxicating effect of the product.
- ~~(7)~~ is otherwise prohibited pursuant to a rule in this Chapter.
- ~~(b) Prohibited Statements in Regard to Wine. In addition to the applicable prohibited statements as set forth in Paragraph (a) of this Rule, an advertisement or label for wine shall not contain:~~
- ~~(1)~~ any statement of bonded winecellar and bonded winery numbers unless stated in direct conjunction with the name and address of the person operating such winery or storeroom. Statement of bonded winecellar and bonded winery numbers may be made in the following form:
- ~~_____ "Bonded Winecellar No. _____," "B.W.C. No. _____."~~
- ~~_____ "Bonded Winery No. _____," "B.W. No. _____."~~
- ~~_____ No additional reference thereto shall be made, nor shall any use be made of such statement that may convey the impression that the wine has been made or matured under United States Government or any state government supervision or in accordance with United States Government or any state government specifications or standards;~~
- ~~(2)~~ any statement, design or representation which relates to alcoholic content or which tends to create the impression that a wine is "unfortified" or has been "fortified" or has intoxicating qualities, or contains spirituous liquor (except for a reference to spirituous liquor in a statement of composition where such statement is required by these Rules to appear as part of the designation of the product); or
- ~~(3)~~ statement of age or dates, or any statement of age or representation relative to age (including words or devices in any brand name or trademark), except that:

(A) ~~In the case of vintage wine, the year of vintage may be stated if it appears on the label; or~~
(B) ~~Truthful references of a general and informative nature relating to methods of production involving storage or aging, such as "This wine has been mellowed in oak casks," "Stored in small barrels" or "Matured at regulated temperatures in our cellars" may be made.~~

~~The statement of any bottling date shall not be deemed to be representation relative to age, if such statement appears without undue emphasis in the following form: "Bottled in ____" (inserting the year in which the wine was bottled). No date, except as provided in this Section with respect to statement of vintage year and bottling date, shall be stated unless, in addition thereto and in direct conjunction therewith, in the same size and kind of printing there shall be stated an explanation of the significance of such date. Provided, that if any date refers to the date of establishment of any business, firm or corporation such date shall be stated without undue emphasis and in direct conjunction with the name of the person, firm or corporation to whom it refers.~~

~~(c) Prohibited Statements in Regard to Spirituous Liquor. In addition to the applicable prohibited statements in Paragraph (a) of this Rule, an advertisement for spirituous liquor shall not contain:~~

~~(1) words "bond," "bonded," etc; any statement containing the words "bond," "bonded," or "bottled in bond," "aged in bond" or phrases containing these or synonymous terms, unless such words or phrases appear upon the labels of the spirituous liquor advertised, and are stated in the advertisement in the manner and form in which they appear upon the label;~~

~~(2) statements of age; any statement, design or device directly or by implication concerning age or maturity of any brand or lot of spirituous liquor unless a statement of age appears on the labels of the advertised product; When any such statement, design or device concerning age or maturity is contained in any advertisement, it shall include, in direct conjunction therewith and with substantially equal conspicuousness, all parts of the statement concerning age and percentages, if any, which appear on the label. However, an advertisement for any whiskey or brandy which does not bear a statement of age on the label, or an advertisement for rum which is four years or more old, may contain general inconspicuous age, maturity or other similar representation, e.g., "aged in wood," "mellowed in fine oak casks";~~

~~(3) the word "pure" except as part of the bona fide name of a permittee; or~~

~~(4) the terms "double distilled," "triple distilled" or any other similar term.~~

Editor's Note: James L. Conner, II, Administrative Law Judge with the Office of Administrative Hearings, declared Rule 4 NCAC 2S .1005(a)(3) void as applied in Daniel W. Shelton t/a Shelton Broers v. N.C. Alcoholic Beverage Control Commission (99 ABC 1641).

History Note: Authority G.S. 18B-100; 18B-105(b); 18B-105; 18B-206; 18B-207;

Eff. January 1, 1982;

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

- 1 *Transferred and Recodified from 04 NCAC 02S .1005 Eff. August 1, 2015.*
- 2 *Readopted Eff. July 1, 2018.*

1 14B NCAC 15B .1104 is amended with changes as published in 32:18 NCR 1745 as follows:

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3 **14B NCAC 15B .1104 ADMINISTRATIVE FINES: PAYMENT**

4 ~~Pursuant to G.S. 18B-104, the Commission may fine a permittee whenever the ABC law authorizes suspension or~~
5 ~~revocation of his permit.~~

6 When the Commission orders a permittee to pay a fine as part of a penalty, payment shall be received in **the**
7 Commission offices in Raleigh no later than ~~1521~~ days following the meeting at which the Commission orders the
8 fine. The Commission shall include, as part of the order, what penalty will be imposed if the fine has not been received
9 by the Commission by the prescribed deadline. Payment shall be ~~by certified check, cashier's check, or money order~~
10 ~~made payable to the North Carolina ABC Commission in accordance with 14B NCAC 15A .0104.~~

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12 *History Note: Authority G.S. 18B-100; 18B-104; 18B-207;*

13 *Eff. January 1, 1982;*

14 *Amended Eff. May 1, 1984;*

15 *Transferred and Recodified from 04 NCAC 02S .1104 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. July 1, 2018.*