

Social Media Advertising

- You cannot mention/post/tweet about an account without a “customer inquiry.”
- A response to a 'direct consumer inquiry' (such as "where can I find your beer in Palo Alto"), must list at least two or more unaffiliated retailers with equal prominence for each. No prices, no opinions, no laudatory comments.
- No solicitation of feedback when you comment/post/tweet...only natural mentions of retailers. If a self-facilitated conversation results because of those that is OK, but they cannot be coaxed.
- When you re-tweet another person's comment/tweet/post: you then take ownership of that tweet so all the rules above apply.
- A brewery rep acts as an “agent” of the brewery and all rules apply to their personal social media accounts.

25500.1.

(a) Notwithstanding Section 25500, the listing of the names, addresses, telephone numbers, e-mail addresses, or Internet Web site addresses, of two or more unaffiliated on-sale retailers selling wine, brandy, or both wine and brandy and operating and licensed as bona fide public eating places pursuant to Section 23038 selling the wine, brandy, or both wine and brandy produced, distributed, imported, or both distributed and imported by a nonretail industry member in response to a direct inquiry from a consumer received by telephone, by mail, by electronic inquiry or in person does not constitute a thing of value or prohibited inducement to the listed on-sale retailer, provided:

- (1) The listing does not also contain the retail price of the product, and
- (2) The listing is the only reference to the on-sale retailers in the direct communication, and
- (3) The listing does not refer only to one on-sale retailer or only to on-sale retail establishments controlled directly or indirectly by the same on-sale retailer, and
- (4) The listing is made by, produced by, or paid for, or any combination thereof, exclusively by the nonretail industry member making the response.

(b) For the purposes of this section, "nonretail industry member" is defined as a manufacturer, winegrower, distiller of wine, brandy, or both, regardless of any other licenses held directly or indirectly by such person. Except as specifically provided above, any payment for, making or production, either directly or indirectly, listing the names, addresses, telephone numbers, e-mail addresses, or Internet Web site addresses, of on-sale retailers otherwise authorized by this section by a wholesaler or by a wholesaler that also holds an importer's license shall constitute the furnishing of a thing of value or inducement to the listed on-sale retailers in violation of this division.