



# Social Media Images Bill (AB 2452)

## BACKGROUND AND COMPLIANCE FACT SHEET

Updated: November 2018

### BACKGROUND ON TIED-HOUSE RESTRICTIONS REGARDING SOCIAL MEDIA

Tied-house restrictions generally prohibit alcohol beverage manufacturers from giving anything of value to a licensed retailer. Naming or mentioning a retailer on social media or any other communication platform is considered by the ABC to be providing something of value to that retailer by marketing or promoting the retailer. Alcohol beverage manufacturers are not allowed to mention the name of any licensed retailer on social media platforms or through other online or communications methods. However, there are certain exceptions to this prohibition that do allow a beer manufacturer to mention a licensed retail under very specific situations and if specified requirements are met.

One such exception is when a beer manufacturer conducts an instructional event or tasting for consumers held at a retailer's premises under specific provisions of the statute. A brewer participating in an instructional event or tasting may advertise the event as long as certain restrictions are met. These advertisements may *only* list the name of the retailer conducting the event along with the retailer's address, telephone number, email address and web site address. You may also list your brewery's beers being featured at the instructional event. Laudatory references to the retailer are NOT allowed.

#### **AB 2452 Allows Images Under Certain Circumstance**

AB 2452 has expanded what is now allowed in advertising an authorized tasting event. In addition to the retailer's name, address, etc. – as listed above – a brewer is now allowed to include pictures, illustrations, and depictions of the retailer's premises on whose licensed premises the event will be held. Pictures, illustrations, or depictions shall be still pictures, illustrations, or depictions only and shall not include any video. The reposting of social media posts, including posts by the retailer, is permitted. A brewer is not allowed to share in the costs, if any, the retail license holder may spend on any form of advertising.

This new allowance will begin January 1, 2019.

#### **Specific Educational Tasting Events Which Allow Advertisement of the Event**

The statute allows a beer manufacturer to advertise *specific types* of events held at a licensed retailers premise. When conducting these events at a licensed retailer, make sure you know all of the specific regulations and requirements. Each of these events below allow the brewer to advertise the event (with restrictions mentioned above), including the posting of photos and images:

- 25503.56 Beer sampling at an off-sale retail license holding a type 86 permit
- 25503.45 Instructional event at an on-sale license