

# Social Media Advertising Guidance



Under California law, alcohol beverage manufacturers and suppliers are generally prohibited from providing money or anything of value—directly or indirectly—to retailers of alcoholic beverages, with a few exceptions. This applies to both on-premise retailers like bars and restaurants and off-premise retailers like grocery stores and bottle shops. For instance, if a supplier's social media post positively mentions a retailer on social media, that could be considered "free advertising" and potentially violates this law. In this context, social media is viewed as a form of advertising.

Adhering to these guidelines can avoid potential violations and effectively promote your products.

## Who Is Considered a Retailer?

A retailer is anyone with an ABC license to sell alcohol to consumers. This category includes bars, restaurants, grocery stores, bottle shops, and non-profits with a temporary one-day license.

## What is considered Social Media?

Social media encompasses platforms such as Facebook, Instagram, LinkedIn, Twitter/X, Yelp, and others.

## What Am I Allowed to Do?

### 1. Posting Retail Information

- You may post the name, location, and contact information of retail locations where your products are sold.
- List at least two or more unaffiliated retailers.
- Give each retailer equal prominence in your posts.
- Avoid any laudatory comments or endorsements.

### 2. Responding to Consumer Inquiries

- When responding to direct inquiries from consumers about where they can get your product, you must include two or more unaffiliated retailers in your response
- Ensure each retailer receives equal prominence.
- Avoid any laudatory comments.

### 3. Advertising an Educational Event (“Tap Takeover”)

- You can promote an educational event by including:
- The name and address of the retailer hosting the event.
- Ensure the mention of the retailer is relatively inconspicuous compared to the overall advertisement.
- The date and time of the event.

- A list of the beers being served.

*Please make sure a representative from the brewery is present at the event and available to discuss the beer so it qualifies as an educational event.*

### **What Else Am I Allowed to Do?**

- Advertise your beer.
- Advertise your tasting room. *Be cautious when posting about food trucks, as they may be affiliated with a restaurant with a retail license!*
- Support other brewers.

### **What Shouldn't I Do?**

- Post retail prices of your beer.
- Make any laudatory comments about a retailer. This includes brewery staff.

### **Frequently Asked Questions**

**Q:** One of our retail accounts is hosting a special event at their location and has requested that the participating breweries promote it in their tasting rooms and on social media. I understand that we cannot promote any single retailer. Is there an exception for special events, as the retailer suggests?

**A:** You are not permitted to promote any event at a retail location on your website, in your tasting room, or on social media. You may only list where your beer is sold at retail if you mention two or more retail locations. For example, you can post on your website or social media that XYZ beer is available at Raley's and Safeway. The only exception to this rule is the "beer dinner exception," which pertains to educational events at an on-premise account. In this case, you can provide the date and location of the event, but you still cannot promote the retailer or make any positive comments about them.

**Q:** My brewery is about to start a "launch tour," including a series of events at local bars and restaurants featuring tap takeovers. Our goal is to raise awareness and encourage attendance for these events through our social media, primarily by creating event pages on Facebook to invite our fans. Can we create these events on our brewery's page, or do the bars and restaurants need to set up the event pages themselves?

**A:** The retailers must create the Facebook events and promote them through their own social media channels. You are allowed to post on your website or social media about where your beer is available at retail locations, but you must adhere to the following requirements:

- The post must reference at least two or more unaffiliated retailers.
- You cannot make any laudatory comments about the retailers.
- Retail prices cannot be included.

- The post must be created, produced, and paid for solely by the brewery; you cannot retweet a retailer's post or share their Facebook event unless it is associated with a duly licensed nonprofit event.
- Images may be included, but you must feature at least two unaffiliated retailers; you cannot use a picture of one retailer without including a picture of the other.
- You can list no more than the retailers' addresses, telephone numbers, email addresses, website addresses, or other electronic media (e.g., Facebook page or Twitter handle).
- Events with an educational component, such as a beer dinner or a meet-the-brewer event, have specific exceptions. In these cases, you can list the date and location of the event, but you are still not allowed to "promote" the retailer or make any laudatory comments about them.