

Alcohol and Promotional "Happy Hour" Advertising

Illinois prohibits "happy hour" advertising and any mention of "free" alcohol in an advertisement. The law bans happy hours, free drinks for women on "ladies" nights, multiple drinks for the price of one, increasing the alcoholic content of a drink without raising the price, cut-rate prices for drinks during specific times, drinks as prizes, and advertising any of the aforementioned.

The law **does not ban** any of the following practices by owners or bartenders:

selling beer by the pitcher;
selling liquor by the bucket;
an individual ordering drinks for a group;
offering free food and entertainment;
imposing a cover charge to offset the cost of entertainment;
promoting new products;
allowing the retail price of drinks to keep pace with the wholesale price;
including drinks in a meal package or hotels and motel package;
negotiating drinks as part of a meeting, convention or trade show package or as a part of room service;
owners or bartenders buying drinks for friends or good customers;
owners or bartenders buying drinks for sports teams they sponsor; and
owners or bartenders donating liquor to a charity auction. Violation of the happy hour law is a Class B misdemeanor, which carries a \$500 fine. A second violation could result in the suspension or revocation of a liquor license.

PART 100 THE ILLINOIS LIQUOR CONTROL COMMISSION SECTION 100.50 ADVERTISING

A) General Requirements:

Federal Alcohol Administration Regulation No. 4 relating to the advertising of wine (27 CFR 4 (1998), no subsequent dates or editions), Federal Alcohol Administration Regulation No. 5 relating to the advertising of distilled spirits (27 CFR 5 (1998), no subsequent dates or editions) and Federal Alcohol Regulation No. 7 relating to the advertising of malt beverages (27 CFR 7 (1998), no subsequent dates or editions) are hereby adopted and made a part of this Section for advertising of wine, distilled spirits and malt beverages insofar as the federal regulations are not contrary to, or inconsistent with, the provisions of the laws of Illinois or this Part.

B) Advertising:

1) No licensee, or the agent or representative thereof, may advertise any alcoholic beverage in any medium intended for circulation, viewing or listening within this State unless such advertisement is in conformity with the provisions of this Part.

2) Such advertisement shall conform to the approved label upon the immediate container of the alcoholic liquor advertised.

3) Such advertisements shall not contain illustrations of children nor shall they make use of any material which would make a special appeal to juveniles.

4) Such advertisements shall not contain any material which is false or untrue in any respect.

PART 100 THE ILLINOIS LIQUOR CONTROL COMMISSION
SECTION 100.280 GIVING AWAY OF ALCOHOLIC LIQUORS

A) No licensee, individual, partnership or corporation shall give away any alcoholic liquor for commercial purposes or in connection with the sale of non-alcoholic products or to promote the sale of non-alcoholic products.

B) No licensee, individual, partnership, or corporation shall advertise or promote in any way, whether on or off licensed premises, any of the practices prohibited under subsection (a) of this Section. This includes, but is not limited to, advertisements using the words "free" or "complimentary" with alcoholic liquor.

C) Subsection (a) shall not apply to test marketing or tasting.

If you have any questions regarding liquor advertising, contact **Josh Sharp**, IPA Government Relations Director, at 217-241-1300.