

# ARKANSAS REGISTER

## Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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For Office

Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency Alcoholic Beverage Control Division

Department Department of Finance and Administration

Contact Milton Lueken E-mail milton.lueken@dfa.arkansas.gov Phone (501) 682-1105

Statutory Authority for Promulgating Rules Ark. Code Ann. Section 3-2-206

Rule Title: Amendment to Section 3.17.2

Intended Effective Date  
(Check One)

Date

<input type="checkbox"/> Emergency (ACA 25-15-204)	Legal Notice Published .....	<u>08/13,14,15/15</u>
<input checked="" type="checkbox"/> 10 Days After Filing (ACA 25-15-204)	Final Date for Public Comment .....	<u>09/16/15</u>
<input type="checkbox"/> Other _____ (Must be more than 10 days after filing date.)	Reviewed by Legislatice Council .....	<u>01/12/16</u>
	Adopted by State Agency .....	<u>09/16/15</u>

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Karen Blagg

karen.blagg@dfa.arkasnas.gov

01/12/2016

Contact Person

E-mail Address

Date

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

\_\_\_\_\_  
Signature

(501) 682-1105 bdd.roberts.dfa.arkansas.gov  
Phone Number E-mail Address

Alcoholic Beverage Control Director  
Title

January 13, 2016  
Date

**Section 3.17.2 Consumer Promotion Offers Allowed by Manufacturers or Importers.** A manufacturer or importer of beer, wine or distilled spirits products may offer certain consumer promotional programs that are tied to the purchase of an alcoholic beverage. However, no manufacturer or importer of alcoholic beverages shall offer any coupon or other promotion incentive which entitles the consumer, in conjunction with the purchase of an alcoholic beverage, to any type of cash discount, rebate, or merchandise redemption from an Arkansas wholesaler or retailer. A manufacturer or importer, or their agent, not to include any Arkansas wholesaler or retailer, shall be allowed to offer the following types of consumer programs:

(1) A manufacturer or importer of wine or distilled spirits may offer a form, conditioned upon the purchase of an alcoholic beverage, which entitles the consumer to a monetary rebate from said manufacturer or importer or designated third party;

(2) A manufacturer or importer may offer merchandise programs to consumers with the merchandise price being discounted upon proof of purchase. Provided, that no discount program may be offered based upon multiple purchases by the consumer; (Amended 9-8-97)

(3) A manufacturer or importer may offer merchandise to a consumer that is part of a combination package or is sealed inside or contained within an alcoholic beverage carton;

(4) A manufacturer or importer may offer consumers the ability to enter sweepstakes events based upon proof of purchase of an alcoholic beverage. Provided, if a manufacturer or importer offers a sweepstakes event based upon proof of purchase of an alcoholic beverage, they will also be required to offer an alternative means of entry, by way of free standing point of sale items, that is not attached to or packaged with the alcoholic beverage product.

The cost of any such authorized rebate program, merchandise program, or sweepstakes shall be an expense to the manufacturer or importer offering such promotional programs, and not be recouped in whole or part from any Arkansas wholesaler or retailer.

Any such authorized promotional offerings or rebates must be made to Arkansas consumers through the following means of distribution:

- (a) In any printed media of statewide circulation;
- (b) In the original package arrangement produced and shipped by the manufacturer;
- (c) Manufacturers or suppliers may provide brand specific mail in rebate forms to Arkansas wholesalers for distribution to Arkansas retailers. Arkansas wholesalers may distribute brand specific mail in rebate forms to Arkansas retailers; provided that the brand specific rebate forms are made available to any Arkansas retailer offering the brand for sale to an Arkansas consumer.

Licensed wholesalers, retailers and their employees shall be ineligible to participate in consumer promotional programs authorized by this Regulation.