



---

Relative and Applicable Statutes and Rules:

RSA 179:28; 179:29; 179:30

## Promotional Items for On- Premises Licensees

### 1. Purpose

The Division of Enforcement & Licensing has recently received several inquiries regarding the legality of promotional items (i.e. glassware, shot glasses, water bottles, mason jars, drink buckets, etc.) being distributed to retail licensees by industry members.

### 2. Discussion

The New Hampshire State laws pertaining to this topic are provided below:

#### **179:28 Product Advertisement. –**

An industry member may furnish, give, rent, loan, or sell product displays or other things of value to a retailer, subject to the following conditions and limitations:

I. Equipment, inside signs, supplies, services, or other things of value furnished by an industry member to a retailer shall not be conditioned on the purchase of liquor, wine or beverages.

II. Product displays shall bear conspicuous and substantial advertising material.

III. The total value of all product displays furnished by an industry member may not exceed the dollar amount established annually for product displays by the Bureau of Alcohol, Tobacco and Firearms per brand in use at any one time in any one retail establishment. The value of a product display shall be the actual cost to the industry member who initially purchased it. Transportation and installation costs shall be excluded.

IV. Industry members shall not pool or combine, as of July 1, 1989, their dollar limitations to provide a retailer a product display valued in excess of the dollar amount established annually for product displays by the Bureau of Alcohol, Tobacco and Firearms.

V. [Repealed.]

**Source.** 1990, 255:1. 1996, 275:25, 35, II. 2002, 54:3, eff. July 1, 2002.



## NEW HAMPSHIRE LIQUOR COMMISSION

Division of Enforcement, Licensing and Education

**Industry Circular**

Number 2021- 06

Issued: April 16, 2021

---

### **179:29 Retailer Advertising Specialties. –**

I. An industry member may furnish, give, rent, loan, or sell retailer advertising specialties to a retailer if such items bear advertising material and are primarily valuable to the retailer as a means of advertising. These items may include, but are not limited to: coasters, mats, menu cards, wine lists, meal checks, paper napkins, foam scrapers, back bar mats, thermometers, clocks and calendars. The name or name and address of the retailer may be added to the advertising specialty.

II. An industry member may sell glassware to a retailer if the glassware is sold at a price not less than it cost the industry member who initially purchased it, and if the price is collected within 30 days of the date of the sale.

III. The total value of all retail advertising specialties furnished by an industry member to a retailer may not exceed the dollar amount established annually for retailer advertising specialties by the Bureau of Alcohol, Tobacco and Firearms per brand in any calendar year per retail establishment. The value of a retailer advertising specialty shall be the actual cost of that item to the industry member who initially purchased it. Transportation and installation costs shall be excluded.

IV. Industry members shall not pool or combine their dollar limitations to provide a retailer with advertising specialties valued in excess of the dollar amount established annually for retailer advertising specialties by the Bureau of Alcohol, Tobacco and Firearms.

**Source.** 1990, 255:1. 1992, 115:6. 1996, 275:26, eff. June 10, 1996.

### **179:30 Consumer Advertising Specialties and Coupons. –**

I. Consumer advertising specialties, such as ash trays, bottle or can openers, corkscrews, shopping bags, matches, printed recipes, pamphlets, cards, leaflets, blotters, postcards, and pencils, which bear advertising material may be furnished, given, or sold to a retailer for unconditional distribution by the retailer to the general public. The retailer shall not be paid or credited in any manner directly or indirectly for the distribution of such items.

II. Contest prizes, premium offers, refunds, and similar items may be offered by industry members directly to consumers. Officers, members of a limited liability company, employees, and representatives of wholesale distributors or retailers shall be excluded from participation.

**Source.** 1990, 255:1. 1995, 139:15, eff. July 1, 1995.



# NEW HAMPSHIRE LIQUOR COMMISSION

*Division of Enforcement, Licensing and Education*

***Industry Circular***

Number 2021- 06

Issued: April 16, 2021

---

### 3. Frequently Asked Questions

1. Can we purchase equipment or give them to a licensee....wine racks, glassware, drink buckets, chiller machines, wine list books? **Under NH law, generally yes, provided it is not conditioned on purchase of liquor and wine. However, glassware must be sold to the retailer (RSA179:29, II). See NH RSA's 179:28 and 179:29 above.**
2. Can we provide ABC Bar & Grille with staff shirts that bear brand x's logo on the shirt? Can the shirt have both brand x's logo as well as ABC Bar & Grille's logo? **"Staff shirts" implies that the shirt is a uniform type shirt or something that might be required to be worn by employees while working for a retailer. These would be considered items to be used in the conduct of a retailer's business and an inducement. Such items cannot be given to a retailer. Giving such items would be an inducement under 27 CFR Part 6; selling the items is not.**
3. Is it legal provide cocktail napkins with brand logos to licensees? **Yes. This is allowed under NH RSA 179:29.**
4. Is it legal provide menu printing and menu books to licensees? **Yes. This is allowed under NH RSA 179:29.**
5. Is it legal to donate golf bags, balls, swag, etc. to the restaurants who have charity/customer golf events? If so, is there a dollar value limit? **Yes. This must be done in conformance with NH RSA 179:30. The licensee cannot divert the items for their own use. Items cannot be tied to alcohol purchase or other purchase requirements.**

### 4. Questions

Please contact the Division of Enforcement & Licensing at 603-271-3523 with any questions.