



PRODUCT APPROVALS

Relative and Applicable Statutes and Rules:

RSA 179:31, LIQ 506.09

The primary mission of the New Hampshire Liquor Commission – Division of Enforcement & Licensing is to reduce the instances of underage drinking. Our regulatory framework is structured to ensure the sale and service of alcohol in the State of New Hampshire is done in a safe and responsible manner.

A function of the Division of Enforcement & Licensing is to make recommendations on beverages being sold in our licensed establishments throughout the state. On average, the Division of Enforcement & Licensing processes approximately 5,400 labels each year – approving approximately 96% of them. As part of our partnership with the industry, we want them to be responsible with their advertising and labeling and assist us in the effort of preventing youth access to alcoholic beverages. We are continually assessing product labels to ensure they do not include any subject matter or illustrations that are reasonably likely to induce minors to drink.

As the industry grows and marketing techniques become more competitive, the Division continually monitors the labels that include illustrations that are reasonably likely to induce minors to drink.

In particular, we understand that brands and branding of a product may feature cartoon-like images. Provided such images are not deemed consistent with products marketed toward children and youths, they would be considered compliant.

Depictions of athletes comply if the wording and imaging on the label taken together are not deceptive or misleading to consumers to imply that the product is conducive to athletic skill or physical prowess, or that consuming alcohol does not hinder the athlete's performance.

If a label was previously approved by the Division and there is not a substantial change to the label, the Commission will take that into further consideration for approval.

To further clarify, if a licensee receives a denial on a label, they have an opportunity to request a hearing to appeal the decision.

Below is the state statute and administrative rule regarding advertising and product approvals.



Advertising Restrictions - RSA 179:31 VII-b reads, in pertinent part:

b) Any subject matter or illustrations that the commission determines is reasonably likely to induce minors to drink.

Liq 506.09 (a)(2) Product Approvals for all Licensees and Notifications for Certain In-state Licenses

The commission shall approve the label and packaging unless:

- a. Statements on the label or packaging are false or misleading;
- b. Any written statements on the label or packaging are illegible;
- c. The packaging or labeling contains subliminal or similarly deceptive advertising techniques;
- d. The packaging or labeling features a depiction of athletes that is deceptive and misleading in that it implies that consuming alcohol is conducive to athletic skill or physical prowess, or that consuming alcohol does not hinder the athlete's performance;
- e. The packaging or labeling features illustrations, subject matter, or other attributes that are consistent with products marketed toward children and youths;
- f. The packaging or labeling features a depiction of consumption of an alcoholic beverage while seated in, about to enter, operating, or about to operate an automobile or other machinery;
- g. An aspect of the packaging or labeling normalizes or encourages excessive drinking;
- h. The packaging or labeling does not indicate in manner that is sufficiently clear that the product contains alcohol; or
- i. The packaging or labeling used might result in confusion regarding whether the product is an alcoholic beverage;