



Relative and Applicable Statutes and Rules:

RSA 179:31

Advertising Restrictions Relative to Drink Pouches

1. Discussion

The New Hampshire Liquor Commission- Division of Enforcement has recently received several inquiries on the legality of drink pouches. The drink pouches (similar to the pictures below) are designed to have mixed cocktail drinks poured into a pouch- like container and served directly to the consumer.



While the New Hampshire Liquor Commission- Division of Enforcement continues to encourage licensees creativity in the development of new promotional materials, we must examine current law and the impact these promotions may have on the encouragement of minors to consume alcoholic beverages.

Current New Hampshire law states (in part):

179:31 Advertising Restrictions. –

VII. Advertising of liquor or beverages shall not contain:

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

IX. Advertising of liquor or beverages shall be consistent with the spirit of public health or safety. The commission may suspend any single advertising or promotion of liquor or beverage, at its discretion, that is inconsistent with the spirit of public health or safety.

X. It shall be the responsibility of the advertiser to insure that all advertising copy is in complete conformity with the New Hampshire laws and rules.

NEW HAMPSHIRE LIQUOR COMMISSION

Division of Enforcement, Licensing and Education

Industry Circular

Number 2020-09

Issued: July 7, 2020



The design of these drink pouches are extremely consistent with several non- alcoholic fruit drinks that have been on the market for years and are specifically marketed towards children. Therefore, it is the interpretation of the Commission the intent to use these pouches as containers to consume alcoholic beverages would be directly “inconsistent with the spirit of health or safety” and would further encouraged minors to drink.

As a result, the use of these types (or similar types) of pouch containers by New Hampshire liquor licensees to serve alcoholic beverages is prohibited.

3. Questions

Please contact the New Hampshire Liquor Commission- Division of Enforcement & Licensing at 603-271-3521.