

Article 2B - Alcoholic Beverages

12-104.

(a) It shall be unlawful for any holder of a manufacturer's or wholesaler's license, or anyone connected with the business of the holder, or any distiller, nonresident dealer, brewer, rectifier, blender or bottler of alcoholic beverages to have any financial interest in the premises upon or in which any alcoholic beverage is sold at retail by any licensee, or in any business conducted by the licensee; and it shall be unlawful also for any person or anyone connected with his, its or their business, to lend any money or other thing of value, or make any gift or to offer any gratuity to any retail dealer, and it shall be unlawful also for any brewer or beer wholesaler to furnish any sign, display or other form of advertisement of any value in excess of \$50, advertising the beer or malt beverage products of a particular wholesaler or brewer to the holder of any retail license issued under the provisions of this article. The sign, display, or other form of advertisement must contain brand identifiable advertising matter that is prominent, permanent, and equal to the life and value of the utilitarian character of the advertising item. Except as provided for, a retail dealer may not accept, receive or make use of any money, gift, sign or display furnished by any manufacturer or wholesaler, or any distiller, brewer, rectifier, nonresident dealer, blender or bottler, or become indebted to any person except for the purchase of alcoholic beverages and allied products purchased for resale. It shall be unlawful also for any manufacturer, distiller, nonresident dealer, rectifier, blender or bottler, or wholesaler of alcoholic beverages other than beer and malt beverages to furnish any sign, display or other form of advertisement of value except as hereinafter provided. Signs, posters, placards, devices, graphic displays, bearing advertising matter or any other forms of advertising for use in windows or elsewhere on a retail liquor establishment may be given or furnished to a retailer by a brandowner who is engaged in the business as a distiller, nonresident dealer, rectifier, blender, bottler or wholesaler of alcoholic beverages other than beer and malt beverages provided:

(1) The utilitarian value is secondary and only incidental to the value as an advertisement, and provided:

(2) The total value of any item furnished by any brandowner for each of its individual brands for use in any one retail establishment at any one time does not exceed the sum of **[\$75]** \$150 for each individual brand, and provided:

(3) The cost of installation of these materials does not exceed that which is usual and customary in that particular locality.

(b) In lieu of premanufactured advertising material, materials and labor may be furnished by a brandowner for the custom manufacture of an advertising display not exceeding **[\$75]** \$150 which is temporary in nature and has no other utilitarian value. A manufacturer or nonresident dealer or brandowner may not undertake any plan or design which directly or indirectly results in the purchase of advertising materials or supplies or advertising services by any wholesale or retail licensee; neither shall a wholesale or retail licensee participate directly or indirectly in any transaction in which he pays for or shares in the cost for any of the value of the advertising materials, supplies, services, or mailing expenses utilized to promote a brandowner's products; nothing contained herein is intended to prevent a wholesale licensee from furnishing brandowners, as defined, with