

Florida Beer Wholesalers Association

June 8, 2016

To: FBWA Members

From: Mitch Rubin

Re: Outside Wraps Prohibited

Facts: A manufacturer, distributor, importer or third party agency thereof (hereinafter "industry member") of alcoholic beverages wishes to provide the material and labor to "wrap" a retailer's ice freezer and fuel pumps with alcoholic beverage advertising. If the industry member does not furnish the material and labor, then the retailer may wish to wrap the equipment with alcoholic beverage advertising at its own expense.

Issue: Whether an industry member or a retailer may wrap equipment with alcoholic beverage advertising that is on the outside of the licensed premises?

Brief Answer: No. An industry member may not furnish and a retailer may not wrap equipment with alcoholic beverage advertising that is on the outside of the licensed premises.

Analysis: Section 561.42 (1) and Rule 61A-1.010 prohibit assistance to retailers except as provided otherwise in statute or rule. While there is an exception for signs in the interior of the premises, there is an even more specific provision that prohibits industry members from furnishing and retailers from displaying alcoholic brand advertising on the exterior of their premises. Section 561.42 (10) provides:

No manufacturer, distributor, importer, primary American source of supply, brand owner, or brand registrant of the beverages referred to herein, or any broker, sales agent, or sales person thereof, shall directly or indirectly give, lend, rent, sell, or in any other manner furnish to a vendor any outside sign, printed, painted, electric, or otherwise; nor shall any vendor display any sign advertising any brand of alcoholic beverages on the outside of his or her licensed premises, on any lot of ground of which the licensed premises are situate, or on any building of which the licensed premises are a part.

Note that the meaning of furnishing is all-encompassing: "give, lend, rent, sell, or in any other manner furnish.." Industry members cannot even sell to retailers wrap for outdoor advertising of alcoholic beverages. The meaning of sign is also very broad and includes wrap: "printed, painted, electric, or otherwise..."

Conclusion: Industry members may not furnish and retailers may not display alcoholic beverages wraps on equipment on the outside of the premises.