

By Ms. Bump of Braintree, petition of Suzanne M. Bump for legislation to regulate advertisements for the sale of alcoholic beverages. Government Regulations.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Ninety-One.

AN ACT RELATIVE TO THE ADVERTISEMENT OF ALCOHOLIC BEVERAGES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 138 of the General Laws is hereby further amended  
2 by inserting after section 3, the following new section: —

3 Section 3A. (1) No alcoholic beverage advertising shall contain:  
4 Any statement or illustration that is false or misleading in any  
5 printed material.

6 Any statement, picture, or illustration which promotes or  
7 depicts as amusing, overconsumption or a state of intoxication.

8 Any statement, picture, illustration, design, device, or  
9 representation which is undignified, obscene, indecent, or in bad  
10 taste.

11 Any statement, design, device, or representation of or relating  
12 to analyses, standards, or tests, irrespective of falsity, which is  
13 likely to mislead the consumer.

14 Any statement, design, device, or representation of or relating  
15 to any guaranty, irrespective of falsity, which is likely to mislead  
16 the consumer.

17 Any statement that the product is produced, blended, made,  
18 bottled, packed or sold under, or in accordance with, any  
19 authorization, law, or regulation of any municipality, county, or  
20 state, federal or foreign government unless such statement is  
21 required or specifically authorized by the laws or regulations of  
22 such government; and if municipal, state or federal permit number  
23 is stated, such permit number shall not be accompanied by any  
24 additional statement relating thereto.

25 Any statement, design or device representing that the use of  
26 liquor has curative or therapeutic effects, if such statement is  
27 untrue in any particular, or tends to create a misleading  
28 impression.

29 Any statement, picture, or illustration implying that the social  
30 achievement of any kind, or any statement, picture, or illustration  
31 referring to any known athlete or professional, if such statement,  
32 picture, or illustration implies, or if the reader may reasonably  
33 infer, that the use of alcoholic beverages contributed to the  
34 achievement of such individuals.

35 Any depiction of a child or other person under legal age  
36 consuming alcoholic beverages; any depiction of objects, such as  
37 toys, suggestive of the presence of a child, or any other depiction  
38 designed in any manner as to be especially appealing to children  
39 or other persons under legal age to consume alcoholic beverages.

40 Any reference to any religious character, sign or symbol, except  
41 in relation to kosher wines or where such are a part of an approved  
42 label.

43 Any direct association between toys, or clothing in children's  
44 sizes or intended for children, and brand recognition.

45 Nothing in this section shall prohibit the use of any enforceable  
46 guaranty in substantially the following form: "We will refund the  
47 purchase price to the purchaser if he is in any manner dissatisfied  
48 with the contents of this package."

49 Section (2) Any violations of this section pertaining to  
50 advertising shall be justification for administrative action to be  
51 taken against the individual or corporation placing the  
52 advertisement or conducting the advertising campaign and against  
53 the individual(s) or corporation(s) who produce the alcoholic  
54 beverages. Such administrative action may result in a suspension  
55 of the alcoholic beverage license for a period of up to one calendar  
56 year following the date of first publication in any media, or the  
57 date of the board order imposing the suspension, whichever is  
58 later. The board in its discretion, may also assess a monetary  
59 penalty in lieu of, or in addition to, said suspension.

60 (3) The Alcoholic Beverage Control Commission shall have  
61 general supervisory power to develop all rules and regulations  
62 necessary to implement this Act.