



State of Utah

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

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NOTICE

Separation of Alcoholic Beverages from Non-Alcoholic Beverages and Required Signage

Effective May 5, 2008, stores such as grocery and convenience stores that sell beer for off-premise consumption must display all beer products in an *“area that is visibly separate and distinct”* from the area where nonalcoholic beverages are displayed. (Non-alcoholic beers may be displayed with the alcoholic beers.)

These stores are now required to post a sign in the alcoholic beverage display area that reads: *“These beverages contain alcohol. Please read the label carefully.”* The sign must be prominently posted in a manner that is easily readable by a consumer. It must be in print that is no smaller than .5 inches and in bold type.

The recent legislation also required the commission to (1) define by rule what is meant by *“area that is visibly separate and distinct from the area where a nonalcoholic beverage is displayed”* and (2) provide additional requirements for the format of the required sign. Attacheded is a copy of new UDABC Rule R81-10-1, that is now in effect.

If you have any questions, please contact Licensing & Compliance at 977-6800.

UTAH DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

R81-10-1. Separation of Alcoholic Beverages from Non-Alcoholic Beverages and Required Signage.

(1) Authority and General Purpose. This rule is pursuant to 32A-10-102(5) that requires:

(a) an off-premise beer retailer to display beer sold by the retailer in an area that is visibly separate and distinct from the area where a nonalcoholic beverage is displayed, and requires the commission to define by rule what constitutes an "area that is visibly separate and distinct from the area where a nonalcoholic beverage is displayed"; and

(b) an off-premise beer retailer to prominently post in the separate and distinct area where beer is sold, an easily readable sign that reads in print that is no smaller than .5 inches, bold type, "These beverages contain alcohol. Please read the label carefully," and requires the commission to define by rule the format of the sign.

(2) Application of the Rule.

(a) Display requirements.

(i) Pursuant to 32A-10-102(5), an off-premise beer retailer must display beer products in an "area that is visibly separate and distinct from the area where a non-alcoholic beverage is displayed."

(ii) This requires that under no circumstances may there be a co-mingling or interspersing of beer products with non-alcoholic beverages, except that non-alcoholic beers may be displayed with beer products.

(iii) The separation must clearly and unambiguously convey to a consumer those beverage products that contain alcohol and those that do not. This may be satisfied by any of the following means:

(A) An entire display cabinet, cooler, shelf, aisle, end-cap, side-stack, or stand alone floor display, or room where the only beverages displayed are beer products, accompanied by the prominent and unambiguous posting of the sign required by 32A-10-102(5); or

(B) A shared display cabinet, cooler, shelf, aisle, or room where beer products are displayed separately from non-alcoholic beverages by way of a physical barrier or visible divider of sufficient prominence to create a clear divide between the beer products and the non-alcoholic beverages. The area where beer products are displayed must have a prominent and unambiguous posting of the sign required by 32A-10-102(5). End-cap, side-stack, or stand-alone floor displays may not contain both beer products and non-alcoholic beverages other than non-alcoholic beers.

(b) Sign requirements.

(i) The sign required by 32A-10-102(5) must be:

(A) prominently posted in the area where beer is sold;

(B) easily readable;

(C) in print that is no smaller than .5 inches, bold type.

(ii) The print on the sign must be clearly readable and on a solid, contrasting background.

(iii) The size of the sign, and the size of the print must be sufficiently large so as to be readable, and clearly and unambiguously convey to a consumer that the beverage products displayed in that area contain alcohol. In no instance may the sign be smaller than 8.5" x 3.5".

(iv) Additional signs may be necessary depending on the size and type of display area. For example, an entire aisle devoted to beer products may require more than one sign to adequately inform the consumer.

New Rule Effective: June 27, 2008