

## 2022 TTB Industry Circular 2: Social Media Advertising

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Due to the uptick in alcohol advertisement on social media platforms, the Alcohol and Tobacco Tax and Trade Bureau (TTB) issued guidance on advertising via social media and how TTB's rules on advertising generally apply in this new and important context, as summarized below.

- TTB views an entire page or site as a single advertisement, so **mandatory statements need only appear once** on the page, but they should be conspicuous and readily apparent to the viewer.
  - This includes Facebook, LinkedIn, your brand's Instagram or YouTube, TikTok, etc.
- On social networking sites where providing all the mandatory information may be difficult because of space restrictions, TTB allows you to **provide a link to another webpage** that contains the mandatory information.
  - You must clearly name or mark it to indicate that the mandatory company and/or product information can be found by clicking the link.
  - The link should take users directly to the mandatory information and not to a "general website" that would require additional action to find the information.
- TTB also considers content created by another party that is reposted or "liked" by an industry member or other similar action that would cause the content to show up in the feed of their page followers to be "advertising" and therefore subject to the advertising rules.
- Your brand's Instagram, for example, is considered a single advertisement by TTB but if a photo or video is posted to a site and is **not associated with a profile section that bears mandatory information** about the product, the industry member must include the mandatory statements within the photos/videos themselves.

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- Influencer marketing, for example, requires the same mandatory advertising statements that are required for industry members' social media sites. This requirement may also be satisfied with the **influencer including a clearly marked link to another website** that contains all the mandatory information

See [TTB Industry Circular 2022-2](#).

As a reminder, below are the basic TTB requirements for mandatory information that must appear on all alcohol advertisements:

## **Basics of Alcohol Advertising**

TTB requires certain mandatory statements appear in advertising for a malt beverage, wine and distilled spirits products:

- For **malt beverages** and **distilled spirits**: the name, city, and state *OR* the name and other contact information (phone number, website or email address) where the responsible advertiser may be contacted.
- For **wine**: the name and address (city and state) of the permittee responsible for the advertisement (TTB has modernized the advertising rules for malt beverages and distilled spirits but has not yet finalized modernization of wine advertising rules).
- For **all commodities**: the class to which the product belongs, corresponding with the information shown on the approved label.
- For **distilled spirits only**: the alcohol content presented as a percentage of alcohol by volume (the same alcohol content that appears on the label of the distilled spirits you are advertising) and, if needed, the percentage of neutral spirits and the name of the commodity.

There are several exceptions to these general rules:

- For **malt beverages** and **distilled spirits**: if you are advertising your general malt beverage or distilled spirits line or all of your malt beverage or distilled spirits products, whether by company name or by brand name common to all the products in the line, you only need the responsible advertiser's name, city, and state *OR* the name and other contact information where you can be reached.
- For **wine**: if you are advertising your general wine line or all of your wine products, whether by company name or by brand name common to all the wine in the line, you only need the responsible advertiser's name, city and state.
- For **all commodities**: if you are advertising via **consumer advertising specialties** (t-shirts, hats, bumper stickers, etc.), you only need the company name of the responsible advertiser or the brand name of the product.

See 27 CFR § 4.62 (wine), § 5.233 (spirits), § 7.233 (malt beverages).

With the amount of attention the TTB has dedicated to this area, we encourage industry members to ensure their current social media presence and social media advertising practices are in compliance with applicable federal and state advertising rules.

[To read more on Industry Circular 1: Consignment Sales, please click here.](#)

[To read more on Industry Circular 3: Calculating Tax Rates and Tax Credits on Imported Distilled Spirits, please click here.](#)

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