

Alcohol Advertising in Digital Media, Part 2: Federal Regulation

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This past year brought examples of federal regulation and oversight of social media. Both illustrate the general policy concerns of federal agencies that regulate alcohol beverage advertising.

[TTB Industry Circular 2013-1](#), reviews the application of TTB regulations to beer, wine and spirits advertising in social media and other forms of digital advertising. TTB's primary concerns are the clear disclosure of the company responsible for an advertisement and prohibiting communication of false and misleading information. The circular makes clear that TTB's advertising regulations apply to digital advertising, including user-generated content. Helpful references are provided to key sections of TTB advertising regulations for beer, wine and spirits.

[FTC 2012 Special Order \(FTC Matter No. P104518\)](#) requested a broad range of information on advertising expenditures and practices from companies in the alcohol beverage industry to make sure that they comply with the Federal Trade Commission Act and voluntary industry advertising codes. The FTC has broad authority to prohibit and take enforcement action against advertising that is deceptive or unfair. FTC officials have long maintained that this authority empowers the agency to limit exposure of persons under the legal drinking age to alcohol beverage advertising content in all media. The Special Order requested information about online and social media activity at pages 4-6 and 9-10, and companies should recognize that advertising content, planning documents and placement information may be requested in similar special orders in the future.

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