

Who is impacted by this rule?

All establishments in Illinois that sell packaged alcoholic beverages for off-premises consumption.

What made this an emergency rule?

The ILCC originally tried to pass legislation relating to these products (HB2502), and when the bill didn't move, we had to find an alternative solution to the issue. We filed an emergency rule because we wanted to ensure the proper safeguards were in place as soon as possible. New co-branded alcoholic products continue to enter the marketplace, and the ILCC, which is tasked with protecting the health and safety of Illinois residents by way of responsible beverage control, had to find a way to mitigate the risks associated with the possibility that a distracted consumer could mistakenly purchase an alcoholic beverage thinking it was non-alcoholic, as well as prevent these products from being marketed to minors. We believe that the emergency rule, and subsequent permanent rule, does just that.



What prompted the rule?

Last fall, new co-branded, ready to drink cocktails, hit the marketplace. Due to the nature of these co-branded products, the Illinois Liquor Control Commission (ILCC) took a proactive approach because the risk of a co-branded alcoholic beverage being mistakenly confused with a non-alcoholic beverage is preventable with proper product placement.



Product Confusion



WHAT IS A "CO-BRANDED ALCOHOLIC BEVERAGE?"

A "co-branded alcoholic beverage" is any alcoholic beverage containing the same or similar brand name, logo, or packaging as a non-alcoholic beverage.



Emergency Rule 100.490

Q: How long is the emergency rule in effect?

A: The Emergency Rule went into effect on May 26, 2023, and will remain in effect for 150 days, until October 23, 2023.

Q: What impact if any, will this have on the small businesses?

A: The Emergency Rule will not have an impact on small businesses. To comply with the Emergency Rule, small businesses may either follow the product placement requirements of the rule or the signage requirements of the rule. Signage may be picked up at the ILCC's Springfield and Chicago locations.

Q: What are the penalties for stores that don't comply?

A: A store that violates the Emergency Rule may be issued a penalty of up to \$500 per violation.

Q: Have you heard of any complaints?

A: Different entities and individuals have reached out to us with information about placement of these products on retail shelves that they believed was concerning. Our Enforcement Agents in the field have personally observed improper and concerning placement of these product on retail shelves, as well as marketing materials for these products that directly target persons under 21.

Q: Is the main concern that parents would be confused and buy the liquor for their kids by accident? Or that underage kids would get their hands on the drinks?

A: The main concern is two-fold: preventing confusion and mistakes between non-alcoholic and alcoholic beverages, as well as preventing alcohol marketing to children and persons under 21. Mistaking an alcoholic product for a non-alcoholic product is not only dangerous for children, but also for individuals with alcohol use disorders, individuals taking certain medications, and any other members of the population who do not or should not consume alcohol. Mistaking these products for non-alcoholic products could be easy for busy shoppers or shoppers who are not paying close attention to what they are picking off the shelves; this is especially true when these products are placed on shelves next to a non-alcoholic beverage of the same brand or surrounded by non-alcoholic beverages or products that are clearly marketed toward children, with no other indication that these beverages contain alcohol.

Here are some examples of



Co-branded alcoholic beverage

