



SYNOPSIS OF TOBACCO, LIQUOR AND LOTTERY ADVERTISING

TOBACCO

Cigarette advertising on radio and TV is prohibited. Even the word “cigarette” in the title of the business is illegal. But, a store can say that it sells smoking products and can mention pipe tobacco and cigars.”

The problem comes with the name of the store – for example “Cigarette Outlet.” You can’t say that on the air, as you can’t promote cigarettes. So you can’t run their ads, since you can’t give a sponsor ID (who is paying for the ad). So if the store changes its name, or if there is a corporate name that doesn’t have cigarette in it, maybe that will work. See this case from Oxenford last year:

<http://www.broadcastlawblog.com/2013/07/articles/cigarettes-and-sponsorship-identification-combine-to-trap-a-broadcasters-into-a-15000-voluntary-payment-to-avoid-fcc-enforcement-action/>

Otherwise, e-cig ads seem to be OK for now, as long as you don’t make health claims (e.g. they are better for you than cigarettes”)

LIQUOR

Liquor Retailers and restaurants/bars can freely advertise anything they can legally sell. Price and brand ads for liquor are OK.

In 2012, the Kansas Legislature eliminated the Happy Hour prohibition language from the liquor control act – allowing businesses to offer short term price specials or charge different prices for different events in the same day.

LOTTERY/RAFFLE

Please note that a constitutional amendment was passed by voters in November, 2014 allowing for charity raffles on a limited basis. To access those rules go to

<http://www.ksrevenue.org/bingoraffle.html>

The term “lottery” described in Kansas Statutes Annotated 21-4302 refers to “an enterprise wherein for a consideration the participants are given an opportunity to win a prize, the award of which is determined by chance.” This definition does not include a

lottery operated by the state pursuant to the Kansas lottery act or tribal gaming. The Kansas Racing and Gaming Commission (KRGC) call a raffle “an illegal lottery.”