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Washington Proposes New Rules to Address Alcohol Merchandising Practices

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Are you a Washington retailer that sells alcohol for off-premises consumption? Are you a brand owner that sells alcohol products to Washington off-premises retailers? If you answered yes to either of these questions, you will want to pay close attention to new rulemaking that the [Washington State Liquor and Cannabis Board](#) ("WSLCB") is considering regarding the placement and advertising of alcohol products sold at retail.

On January 15, 2025, the WSLCB officially commenced its rulemaking process by filing a [Pre-Proposal Statement of Inquiry or "CR-101"](#) in the Washington State Register. The notice signaled that forthcoming WSLCB rules would address topics including but not limited to:

- The advertisement and placement of cross-over products with or next to their non-alcoholic counterparts.
- Placement of alcohol products next to toys or snacks with a youth-oriented focus.
- Placement of alcohol products on end-caps or displays separate from the rest of the alcohol products.
- Distinct signage or markers indicating that products on shelf contain alcohol.
- Placement of spirits mini bottles.

Fast forward to March, and the WSLCB has now previewed a set of [tentative draft rules](#) with the public and has held the first of two stakeholder sessions to gather feedback. The draft rules as currently written would, among other things, require retailers: (1) to avoid displaying alcohol products next to, or in the same aisle as, certain non-alcohol products, like soft drinks, soda, fruit juice, flavored water, toys, candy, and items marketed for child consumption, (2) to secure mini bottles of liquor at all times, (3) to remove liquor products from end-caps and free-standing displays unless the aisle or broader areas is dedicated solely to the sale of alcohol, and (4) to avoid placing alcohol products within view of any point of sale or check out area. There are slightly different requirements for businesses with retail space under 2,500 square feet. It's worth noting that these draft rules currently apply to all alcohol products and not merely co-branded alcohol products (sometimes called "cross-over" alcohol products), which was the approach Illinois took in its [2023 rulemaking on alcohol product placement](#).

While the WSLCB will continue to revise and refine these rules over the coming months, rules on product placement will undoubtedly have broad implications across the industry. Plans for seasonal merchandising, point of sales locations, cooler storage, in-store signage and more may all be impacted by the WSLCB's future rules.

We would encourage all who may be affected by this rulemaking to share your feedback with the WSLCB. The next opportunity to do so is on Thursday, March 13, from 1:00 pm to 3:00 pm, when the WSLCB will be holding a second virtual stakeholder engagement meeting. Details for how to join the meeting can be found [here](#). If you have questions about how your business may be impacted by these rules, please contact Foster Garvey's Alcoholic Beverage attorneys.

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