

14B NCAC 15C .0103 BEER FRANCHISE LAW; "BRAND" DEFINED

For purposes of Article 13 of Chapter 18B of the General Statutes, the Beer Franchise Law, a distribution agreement between a supplier and wholesaler applies to all products distributed by the supplier under the same brand name. Different categories of products manufactured and marketed under a common identifying trade name are considered to be the same brand. The Commission shall determine the brand at the time the product is approved for sale in North Carolina. Later changes to advertising strategy or labeling shall not affect the Commission's brand determination. Different packaging, style, font, or container does not establish different brands. The name of the manufacturer shall not be the brand name unless no other information on the label qualifies as a brand.

Note: As an illustration, the "Old Faithful" brand manufactured by Yellowstone Brewery Co. would include "Old Faithful", "Old Faithful Light", "Old Faithful Draft", "Old Faithful Dry," and other products identified principally by and relying upon the "Old Faithful" name, but would not include "Old Teton" which was also manufactured by Yellowstone Brewery Co.

*History Note: Authority G.S. 18B-100; 18B-207; 18B-1303(a);
Eff. November 1, 1994;
Amended Eff. April 1, 2011;
Transferred and Recodified from 04 NCAC 02T .0103 Eff. August 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,
2017;
Readopted Eff. May 1, 2026.*