

1 AN ACT concerning liquor.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Liquor Control Act of 1934 is amended by  
5 changing Section 6-35 as follows:

6 (235 ILCS 5/6-35)

7 (This Section may contain text from a Public Act with a  
8 delayed effective date)

9 Sec. 6-35. Alcopops ~~Alcopop~~ advertising.

10 (a) For purposes of this Section, "alcopop" means a  
11 flavored alcoholic beverage or flavored malt beverage that  
12 includes (i) a malt beverage containing a malt base or beer and  
13 added natural or artificial blending material, such as fruit  
14 juices, flavors, flavorings, colorings, or preservatives where  
15 such blending material constitutes .5% or more of the alcohol  
16 by volume contained in the finished beverage; (ii) a beverage  
17 containing wine and more than 15% added natural or artificial  
18 blending material, such as fruit juices, flavors, flavorings,  
19 or adjuncts, water (plain, carbonated, or sparkling),  
20 colorings, or preservatives; ~~or~~ (iii) a beverage containing  
21 distilled alcohol and added natural or artificial blending  
22 material, such as fruit juices, flavors, flavorings,  
23 colorings, or preservatives; or (iv) an alcohol malt beverage

1 containing caffeine, guarana, taurine, or ginseng, where the  
2 beverage constitutes 0.5% or more of alcohol by volume.

3 (b) No entity may advertise, promote, or market any alcopop  
4 beverages toward children. Advertise, promote, or market  
5 includes, but is not limited to the following:

6 (1) the use of cartoons and youth-orientated photos in  
7 advertising, promotion, packaging, or labeling of alcohol  
8 products;

9 (2) sponsorships of athletic events where the intended  
10 audience is primarily children;

11 (3) billboards advertising alcopops, as defined in  
12 items (i), (ii), and (iii) of subsection (a) of this  
13 Section, placed within 500 feet of schools, public parks,  
14 amusement parks, and places of worship; and

15 (4) the display of any alcopop beverage in any  
16 videogame, theater production, or other live performances  
17 where the intended audience is primarily children.

18 (c) No entity shall sell for consumption an alcohol malt  
19 beverage containing caffeine, guarana, taurine, or ginseng,  
20 where the beverage constitutes 0.5% or more of alcohol by  
21 volume, unless individual containers of the beverage have  
22 imprinted on each individual container the following:

23 (1) the words "contains alcohol"; and

24 (2) the alcohol content of the beverage.

25 (d) ~~(e)~~ Any person who violates this Section is guilty of a  
26 business offense and shall be fined \$500 for a first offense

1 and \$1,000 for a second or subsequent offense.

2 (e) Nothing in this Section shall be construed to be  
3 inconsistent with any other provision of this Section or any  
4 other State or federal laws, rules, or regulations regarding  
5 the labeling of alcoholic beverages.

6 (Source: P.A. 95-618, eff. 6-1-08.)

7 Section 99. Effective date. This Act takes effect January  
8 1, 2009.