One retailer. One social post.

Opinions and pinpoint references for the article on alcohol social media advertising. Research checked November 11, 2026.

1. Authentic Beverages — Texas, 2011

Authentic Beverages Co. v. Texas Alcoholic Beverage Commission, 835 F. Supp. 2d 227 (W.D. Tex. 2011). Decided December 19, 2011; No. 1:10-cv-00710-SS, Document 49.

Retailer-identification restriction and winery exception: 234–35 (slip 7–8). Analysis: 243–44 and 244 n.12 (slip 23–24). Scope of relief: 250 (slip 34–35).

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2. Missouri Broadcasters — Eighth Circuit, 2020

Missouri Broadcasters Ass'n v. Schmitt, 946 F.3d 453 (8th Cir. 2020). Decided January 8, 2020; No. 18-2611.

Retailer-listing exception and as-applied analysis: 459–61 (slip 9–11). The quoted undue-influence passage appears at 460 (slip 10).

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3. Retail Digital Network — Ninth Circuit, 2017

Retail Digital Network, LLC v. Prieto, 861 F.3d 839 (9th Cir. 2017) (en banc). Decided June 14, 2017; No. 13-56069.

Commercial-speech standard: 846 (slip 16). Retailer advertising payments and conclusion: 850–51 (slip 24–26). Use this en banc opinion, rather than the superseded 2016 panel decision.

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4. Central Hudson — Supreme Court, 1980

Central Hudson Gas & Electric Corp. v. Public Service Commission, 447 U.S. 557 (1980). Decided June 20, 1980; No. 79-565.

Four-part commercial-speech analysis: 566 (PDF page 10). Official U.S. Reports text; full opinion and separate opinions at 557–606.

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Read the exact exception.

The number of retailers is only one condition. State permissions, state restrictions, federal exceptions, and federal liability require separate analysis.

California — retailer-listing exception

Cal. Bus. & Prof. Code § 25500.1(a)(1)–(4), (b). The general exception requires two or more unaffiliated retailers and imposes additional content and authorship/payment limits. Other specific event provisions require separate review. The statute appears at printed page 385 of ABC's 2026 compilation (PDF page 396).

2026 ABC Act, statute page • ABC's 2015 listing guidance

Texas — MPA012 advisory

TABC, *Using Media to Advertise Alcoholic Beverages*, MPA012, second amendment January 28, 2021. Page 3 lists conditions for advertising retail locations, including two or more unaffiliated retailers. Page 1 identifies the media covered; page 4 explains the advisory's status.

Official advisory PDF • TABC advisory status index

Illinois — one retailer permitted with conditions

235 ILCS 5/6-5, unnumbered social-media paragraph, and 11 Ill. Adm. Code 100.500(d)(7)(A)–(E). State law permits one or more unaffiliated retailers. Read the restrictions on prices, compensation, product-focused content, applicable TTB compliance, and exclusion of similarly situated retailers together.

Section 6-5, official statute • Section 100.500, official rule

Federal — exception and underlying violation

27 C.F.R. § 6.98 governs the advertising-service exception. Its two-retailer condition includes a special provision for state or local government retail agencies. TTB FAQ A28 separately identifies exclusion and jurisdictional requirements; failure to satisfy the exception does not itself establish every element of a federal violation.

Current 27 C.F.R. § 6.98 • TTB alcohol FAQs — see A28