

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF MAY 6, 2014
REFERRED FROM: COUNSEL'S OFFICE

2014-01166D

REASON FOR REFERRAL
REQUEST FOR DIRECTION

ADVISORY 2014-7

(REVISED)

The Members of the Authority at their regular meeting held at the Zone I New York City office on MAY 6, 2014 determined:

Memo

To: Ms. Jacqueline Held
From: Keven Danow
Date: 5/2/2014
Re: Request to amend Advisory 2014-7

We represent Standard International Management, LLC ("SIM"). SIM, together with its affiliates (hereinafter "Standard"), is a hotel management company and branded operator of boutique hotels. Some of the hotels they manage, or in the future may manage, are owned or leased in full or in part by Standard. Others are owned by investors and operated by Standard. For instance, in New York, Standard's affiliate, Standard High Line Management LLC operates The Standard High Line hotel and is on its license (serial number 1214599). In addition, Standard manages the Standard East Village hotel at 25 Cooper Square. The licensees are CooperAB, LLC and Standard International Management, LLC.

Standard seeks permission to introduce a private brand beer using the name "Standard Beer." They intend to contract with a New York City brewery to make this product. Toward that end, we have asked that Advisory 2014-7 be modified to add the following language to the private brand label section:

Hotels, which operate under a common trademark, may sell beer or cider under a private brand label where a hotel chain or a hotel management company, which owns or otherwise has the legal right to use the brand or trade name, is listed on the license and the beer or cider is only sold in hotels owned in part or managed by the owner of the brand, or an affiliate of such owner.

This language is not inconsistent with either the current language or the intent of the Advisory.

Section 101-b does not apply because the product to be introduced is a beer and section 101-b only applies to wine and spirits.

Section 107-a clearly contemplates brand labels which are owned by a retail licensee. Section 107-a 4 (a) and (b) provide:

4. (a) No liquor, wine or beer shall be labeled, offered or advertised for sale unless in accordance with this section and unless the brand or trade name label affixed to or imprinted upon the container of such alcoholic beverage shall have been registered with and approved by the authority and the appropriate fee paid as provided for in this section.

(b) An application for registration of a brand or trade name label shall be filed by (1) the owner of the brand or trade name if such owner is licensed by the authority, or (2) a wholesaler selling such brand who is appointed as exclusive agent, in writing, by the owner of the brand or trade name for the purpose of filing such application, if the owner of the brand or trade name is not licensed by the authority, or (3) any wholesaler, with the approval of the authority, in the event that the owner of the brand or trade name does not file or is unable to file such application or designate an agent for such purposes, or (4) any wholesaler, with the approval of the authority, in the event that the owner of the brand or trade name is a retailer who does not file such application, provided that the retailer shall consent to such filing by such wholesaler. Such retailer may revoke his consent at any time, upon written notice to the authority and to such wholesaler. (Emphasis added.)

Although Standard would not object if the beer sold under its brand name is offered for sale to other retail licensees, I respectfully urge the Authority to treat the item as a private brand even though it may be sold at any Standard Hotel. As noted, the language in 101-b which creates an exception to the price posting requirements of that statute, does not apply to beer. Moreover, even if that statute did apply, the proposed brand would comply with the statute. The determinative issues should be whether the retailer owns the brand and is selling it in New York only on licensed premises it owns or operates and for which it is on the license. In addition, a review of a proposed private brand should take into consideration whether the name of the supplier appears in the brand or in such a way as to usurp the import of the retailer owned brand. Clearly, the proposed brand name meets this test.

The brand is owned exclusively by the hotel management company and is only sold in hotels in which it has an ownership or management interest and for which it is listed on the license. Where the hotel or hotel management company owns the trademark and is on each license the integrity of the Advisory is preserved and the intent of the statute is respected.

Please consider amending the Advisory to clarify this issue.

STATE OF NEW YORK
LIQUOR AUTHORITY

To: All brand owners, manufacturers, wholesalers and retailers

Subject: Brand Label Registration guidance

In light of recent amendments to the Alcoholic Beverage Control Law (“ABCL”), this Advisory is being issued to provide guidance to licensees in complying with requirements for brand label registration. Please read this Advisory carefully – as a result of the amendments there are many changes being made to expedite and simplify the registration process. For example, in almost all cases, the need to file amended, “supplemental” or separate registrations is being eliminated.

All alcoholic beverages sold in this state must have an approved brand label affixed or imprinted upon the container. The only exceptions to this requirement are privately held wines and liquors being sold pursuant to ABCL §85 or ABCL §99-g. Manufacturers, wholesalers and retailers may be subject to disciplinary action for advertising or offering for sale any alcoholic beverage that does not have an approved brand label. While the changes discussed in this Advisory eliminate or reduce filing requirements, brand labels must still comply with the requirements set forth in this Advisory. Failure to comply with these requirements may subject licensees to disciplinary action.

Compliance with Part 84 of the Rules of the Authority

ABCL §107-a and Part 84 of the Rules of the Authority govern the registration and approval of brand labels. Chapter 354 of the Laws of 2013 amended §107-a. As a result of the amendments, certain provisions of the regulations in Part 84 are now inconsistent with the statutory provisions. To avoid confusion until such time as the Authority issues new regulations consistent with the amended ABCL §107-a, brand owners and licensees should be guided by the information contained in this Advisory instead of the regulations in Part 84. Licensees who comply with the provisions of this Advisory will not be subject to disciplinary action if their conduct would otherwise be considered a violation of Part 84.

Required information on brand labels

Effective March 26, 2014, ABCL §107-a requires that brand labels contain:

- The brand or trade name (see “Brand or Trade Names” section in this Advisory);
- The class and type of alcoholic beverage (see “Class and Type of Alcoholic Beverage” section in this Advisory);
- The net contents of the container (see “Net Contents” section in this Advisory); and
- All other labeling information required by TTB (see “Information Required by TTB” section in this Advisory).

Except as explained in this Advisory (see “When is a separate brand label approval required?” section), a separate brand label registration is required when there is any difference in either: the brand or trade name; or the class and type of alcoholic beverage.

Brand Names

The “brand or trade name” is the name under which the product is marketed. It is usually the most prominent information on the label and the name used by consumers to identify the product. The Authority considers the brand name to include any statement regarding: flavor description; vintage; age; and geographic designation or appellation. Generally speaking, any difference in the brand name is considered a separate brand label.

In most cases, the Authority considers any difference in the brand name as a different brand name and, therefore, a separate brand label approval will be required. For example, the addition of designations such as “kosher” or “organic” would be a different brand name from a brand label that was otherwise the same except for that designation. With respect to beer, the designations “IPA,” “ale” and “pale ale,” for example, would all be considered separate brand names. A whiskey that is marketed with different ages is considered to have a separate brand name for each age.

However, as discussed later in this Advisory under the “When is a separate brand label approval required?” section, certain differences in the brand name are

not considered separate brand labels and, therefore, a separate approval is not required. Please note that these are long standing exceptions to the general rule that any difference in the brand name requires a separate brand label approval.

Class and Type of Alcoholic Beverage

Brand labels must use TTB's categories for the class and type of the alcoholic beverage.

For cider

As a result of changes made to the ABCL, the permissible alcohol content of cider has been increased from 7% to 8.5%. If the product meets the ABCL definition of wine and cider, the manufacturer will have the choice of marketing the product either as wine or cider. However, if the alcohol content exceeds 7%, TTB will require that the product be brand label approved as a wine even if the manufacturer intends to market the product in this state as cider. TTB will allow the brand label to identify the product as cider. In the event the brand owner intends to market the product in New York State as a wine, that label approval will be sufficient and no state registration is required.

If the product will be marketed as a cider in New York State, it must be brand label registered with the Authority as a cider. The designation of the type of pomme fruit used is considered to be part of the class and type information and must be set forth on the label.

For wine specialties

The designation "wine specialty" is considered to be part of the class and type information and must be set forth on the label. For purposes of this advisory, a "wine specialty" shall mean wine containing less than 7% alcohol by volume that: includes ingredients not permitted in "wine" as defined in ABCL §3(36); and does not meet the definition of "wine product" set forth in ABCL §3(36-a).

Net Contents

The Authority does not require that the net contents statement be included on the actual label. The information may be imprinted or otherwise set forth on the

bottle/container. If the information is not included on the brand label, the application must include a photograph of the bottle/container clearly showing where the information will be displayed.

Information Required by TTB

As noted above, in addition to the brand or trade name, the class and type of alcoholic beverage, and the net contents, a brand label must contain any other labeling information required by TTB. If the label sets forth this information in accordance with TTB regulations, the label will be considered in compliance with this state's brand label registration laws. Following is a list of the information currently required by TTB regulations. Please note that this information is provided only for guidance, and reference should be made to TTB regulations to assure compliance.

For liquor:

- The alcohol content;
- The name and address of the bottler and/or the manufacturer or importer;
- The country of origin (for imported alcoholic beverages);
- A statement with respect to the presence of coloring materials (if applicable);
- A statement with respect to treatment with wood (if applicable);
- A statement with respect to FD&C Yellow #5 (if applicable);
- A statement regarding the presence of sulfur dioxide (if applicable);
- A statement regarding the percentage of neutral spirits (if applicable);
- A statement of age (if applicable);
- The state of distillation for whiskeys produced in the United States; and
- A health warning statement.

For beer:

- The alcohol content;
- The name and address of the bottler and/or the manufacturer or importer;
- A statement with respect to FD&C Yellow #5 (if applicable);
- A statement regarding the presence of saccharin (if applicable);
- A statement regarding the presence of sulfur dioxide (if applicable);

- A statement regarding the presence of aspartame (if applicable);
- The country of origin (for imported alcoholic beverages); and
- A health warning statement.

For wine:

- The alcohol content;
- The name and address of the bottler and/or the manufacturer or importer;
- A statement regarding the presence of sulfur dioxide (if applicable);
- The appellation of origin (when required);
- The country of origin (for imported alcoholic beverages); and
- A health warning statement.

Items prohibited on brand labels

Effective March 26, 2014, ABCL §107-a brand label may not contain any of the following:

- Any false or untrue statement;
- Any statement disparaging of a competitor's product;
- Any statement, design, device or representation that may mislead a consumer; or
- Any statement or claim that the product has any health benefits.

Applications for approval of brand label registration will be reviewed to determine whether any prohibited statements are contained in a brand label. In addition, if a change is made to any approved brand label, the inclusion of any prohibited statement will subject the brand owner (if licensed), or the licensee filing the application on behalf of the brand owner, to disciplinary action.

The application process

An application for registration of a brand label shall include:

- A completed registration application form;

- In the event the applicant is not the brand owner, a letter from the brand owner appointing the applicant as its exclusive agent for purposes of submitting the application;
- A legible photocopy or photograph of the brand label that is being registered with each required item clearly identified. If the net contents are not set forth on the brand label, the application must include a photograph of the bottle/container clearly showing where the information will be displayed;
- In the case of cider, wine products, non-malt beer, wine specialties and kombucha, an analysis by a TTB approved laboratory stating the alcohol content and ingredients of the alcoholic beverage; and
- A check or money order for the required fee.

The failure of an applicant to submit any of the above items will result in disapproval of the application. Applicants are urged to read the instructions provided to insure that all required information is included in the application. If items, such as the net contents, are not on the brand label but appear elsewhere on the container, a photograph showing the location of that item on the container must also be submitted.

All applications for registration and approval of brand labels must be submitted by: certified mail, return receipt requested; registered mail, return receipt requested; or overnight delivery service with proof of mailing. A brand label approved by TTB will be deemed approved thirty days after the Authority receives the application unless the Authority issues a decision disapproving the application before that time. In light of changes at the TTB, a copy of the actual TTB approval will not have to be submitted with the application. The TTB identification number will be sufficient.

When is a separate brand label approval required?

A separate brand label registration is required when there is a difference in: the brand or trade name; or the class or type of alcoholic beverage. A separate brand label registration is also required when a "private brand label" is being placed on the container. A "separate brand label registration" requires a separate application and fee (unless the fee is otherwise waived by ABCL §107-a).

As noted in the “Brand Name” section of this Advisory, a brand name includes any statement regarding: flavor description; vintage; age; and geographic designation or appellation. Therefore, except as set forth below, any difference in any of those items creates a separate brand label requiring separate registration and approval. The following are not considered by the Authority to constitute separate brand names:

- Cordial and liqueur brand names that differ only with respect to flavor description;
- Wine brand names that differ only with respect to vintage year;
- Gin brand names that differ only with respect to the addition of the designation “dry”; and
- Rum brand names that differ only with respect to the addition of the designation “white,” “light,” “dark,” “gold” or “silver.”

In Advisory 2013-3, the Authority stated that the placement of stickers bearing the words “Direct,” “Reserve” or similar permutations thereof on bottles or cases does not create a separate brand or trade name. This Advisory does not, in any way, change the guidance provided in Advisory 2013-3.

As noted above, each brand label must include the class and type of alcoholic beverage. With one exception, any difference in the class or type of alcoholic beverage constitutes a separate brand label. Beer brand names that differ only with respect to the use of the designation “beer,” “lager beer” or “lager” do not constitute separate brand names.

Vintage year and age of an alcoholic beverage

As noted above in the “Brand Name” section, the vintage year or age of an alcoholic beverage is considered to be part of the brand name. However, under Part 84 of the Rules of the Authority, a change in the vintage year did not require a separate brand label registration. Liquor labels that differed with respect to the age of the product did require separate brand label registrations. This treatment of vintage years and age of the product remains in effect.

Duration of approval

An approval of a registration shall be valid for one year. Current brand label registration approvals shall remain in effect until they expire. New applications and renewals of existing applications will be issued for one year on the following schedule:

- Liquor- October 1st through September 30th.
- Beer- July 1st through June 30th.
- Wine products- March 1st through February 28th/29th.
- Cider- March 1st through February 28th/29th.
- Wine requiring state approval, including wine specialties- March 1st through February 28th/29th.

In the case of a current registration approval that expires prior to or after the above dates, the renewal and fee will be prorated until the appropriate date. Thereafter the renewal will be issued for one year. For example, a liquor brand label approval that expires on February 28, 2015 will be renewed until September 30, 2015 at 7/12 of the fee. The registration approval thereafter will be renewed for one year periods commencing on October 1, 2015.

In the case of a new registration approval to take effect before the above dates, the initial approval will be prorated to the appropriate date. Thereafter, any renewal will be issued for one year. For example, a new beer registration approval issued on December 1, 2014 will be effective until June 30, 2015 at 7/12 of the fee. The registration approval thereafter will be renewed for one year periods commencing on July 1, 2015.

Changes in brand label agent

In the event that an unlicensed brand owner changes the licensee designated as the exclusive agent for a particular item, the new exclusive agent shall file an application for approval of the brand label. The registration approved under the former brand agent shall be deemed surrendered and the former brand agent may apply for a refund of the unused portion of the registration fee.

Designation of brand agents and licensing requirements for brand owners

If the brand owner is licensed under the ABCL, it must file the application for brand label registration approval (as well as the price schedule required by ABCL §101-b(3)(a), except in the case of a private label). A brand owner, whether located in this state or elsewhere, that is not licensed under the ABCL must designate a wholesaler licensed in this state as its exclusive agent for purposes of filing the application for brand label registration approval as well as the price schedule required by ABCL §101-b(3)(a).

In the case of an alcoholic beverage produced in this state, the brand owner (except in the case of a private label) shall be a manufacturer licensed in this state. However, if the licensed manufacturer intends to distribute the product in this state exclusively through one licensed wholesaler (with no sales being made by the manufacturer to any other licensed wholesaler or any licensed retailer in this state), the manufacturer may designate such exclusive wholesaler as the brand owner of the label.

In the case of an alcoholic beverage produced outside of this state, an unlicensed entity doing business in this state may be the brand owner. However, the unlicensed New York entity whose alcoholic beverage is produced out-of-state may not be the importer of the product into this state or solicit purchases of the product within this state by licensed wholesalers and retailers.

In the case of a brand owner not licensed in this state, an “appointment letter” must be submitted by the brand owner identifying the licensed wholesaler who is designated as the exclusive agent to file the application for brand label approval. Please note that a separate appointment letter from the brand owner is not required for each brand name. One letter may be used to list all the brand names for which the licensed wholesaler has been appointed as exclusive agent.

"Ornamental," "enhanced," or "special" containers

The marketing of alcoholic beverages in “ornamental”, “enhanced” or “special” containers is addressed in Advisory 2014-5, which replaces Advisory 2012-5. Alcoholic beverages sold in such containers do not require a separate brand label registration.

“Supplemental” brand labels

As a result of the amendments made to ABCL §107-a, it is no longer necessary to file separate, or “supplemental,” brand label registrations. As noted above, a separate brand label registration will only be required when there is a change in: 1) the brand or trade name; or 2) the class or type of the alcoholic beverage.

Although the brand label must set forth the net contents and the labeling information required by TTB, if a change is made to those items it is not necessary to file an application to amend or supplement the existing approved label or obtain approval for a separate label. In addition, a second label that differs from the approved label does not require a separate registration as long as the brand or trade name and the class or type of the alcoholic beverage remains the same.

However, even if an amended, supplemented or separate brand label registration is not required, any brand label being used must comply with the provisions of ABCL §107-a and this Advisory. In particular, any brand labels changed after approval of the Authority must contain the information required by ABCL §107-a and must not include the items prohibited by ABCL §107-a. Violations will result in disciplinary action by the Authority.

Private labels

A “private brand label” is a brand label owned by a licensed retailer. It does not have to contain the retailer’s name. An alcoholic beverage with a private brand label can only be sold by the licensed retailer who owns the brand label. The licensed retailer must own the brand name or otherwise have the legal right to use a brand or trade name belonging to another entity. However, in no case can the brand name be owned by a manufacturer or wholesaler. Manufacturers and wholesalers may not allow retailers to use their brand or trade name on a retailer’s private brand label, except to identify the manufacturer, importer or bottler as may be required under TTB regulations. The use of phrases such as “exclusively bottled for” or “exclusive to” the retailer on a brand label owned by the manufacturer or another party does not constitute a private brand label. Such practices constitute an illegal gift or service in violation of ABCL §101(1)(c). Hotels, which operate under a common trademark, may sell beer or cider under a private brand label where a hotel chain or a hotel management company, which owns or otherwise has

the legal right to use the brand or trade name, is listed on the license and the beer or cider is only sold in hotels owned in part or managed by the owner of the brand, or an affiliate of such owner.

Applications for approval of private brand labels must include proof that the retailer owns, or has the legal right to use, the brand or trade name set forth on the label. If the brand label is otherwise in compliance with ABCL §107-a and this Advisory, a retailer does not have to obtain a separate brand label registration approval when there is a difference in the manufacturer, importer or bottler.

Wine

An application for registration approval does not have to be submitted for wine brand labels that have been approved by TTB. A wine brand label without TTB approval must be registered and approved by the Authority.

Cider

Effective January 15, 2014, the definition of cider contained in the ABCL was amended. Among other changes, the maximum alcohol content by volume was increased from 7% to 8.5%. In addition, an alcoholic beverage that meets the definition of cider and wine may be marketed either as a cider, or as a wine. If the brand owner decides to market the product as a cider, it must be brand label registered as a cider. That product may be offered for sale by any licensed retailer. If the brand owner decides to market the product as a wine, the brand label must be approved (as a wine) by TTB or the Authority. The product must also be price posted and sold only by retailers who are licensed to sell wine.

Deviations or changes in alcohol content

Except for cider and wine products, the Authority will allow a deviation of no more than 1.5% between the alcohol content stated on the label and the actual alcohol content of the product as shown in the laboratory analysis. In the case of cider and wine products: the Authority will allow a deviation of no more than 0.5%; and the actual alcohol content cannot exceed the statutory limit set forth in the ABCL.

If the alcohol content stated on the label or container is changed after the brand label has been approved, a new, amended or supplemental registration is not required. As long as the brand label otherwise conforms to the requirements set forth in this Advisory, the change will be deemed part of the approved label. Please note that this applies if the alcohol content is being changed. If two products have brand labels that are identical in all other ways, with the only difference being the alcohol content, each product will require its own brand label approval.

Nutrition Facts Sheet

Brand labels that do not require TTB approval (such as wine products, wine specialties and cider under 7% alcohol content) must include the Nutrition Facts Sheet required by the FDA. If the FDA has granted an exemption from this requirement, or if the FDA does not require the inclusion of the facts sheet, an affirmation to that effect must be included with the application.

“Small batch” fee exemptions

ABCL §107-a provides for exemptions from the fee for brand label registration for liquor, beer and cider produced in “small batches.” For liquor, “small batches” means 1,000 gallons or less. For beer and cider, “small batches” means 1,500 barrels or less. While there is a fee exemption, an application for registration of the brand label must still be filed and approved.

In determining whether the product has been manufactured in a “small batch,” please note that:

- The fee exemption applies to product under the same state brand label registration number. If the total annual amount manufactured for a product, or products, under one brand label registration number exceeds (or is anticipated to exceed) the limitations stated above, a fee will be required to register the label.
- The total amount manufactured includes not only the amount of product manufactured for sale in this state, but the entire annual amount of the product that is manufactured, regardless of where it will be sold.

Beer and wine products sold in “soft pouches”

As noted above, brand labels cannot contain any statement, design, device or representation that is likely to mislead the consumer. In the view of the Authority, beer and wine products sold in “soft pouches” (whether or not intended to be frozen prior to consumption) can be mistaken for non-alcoholic products sold by off-premises beer retailers. Therefore, to avoid consumer deception and confusion, as well as to assist in preventing sales of these products to underage persons, the Authority requires that the front label of any such container, as well as the case or pack for such containers, include the following statement: “CONTAINS ALCOHOL – NO SALES UNDER 21.”

Personalized Bottles and Containers

The addition of personalized engraving, stamping, writing, etc., to a bottle or other container in compliance with the Authority’s “Containers, packaging and personalization of bottles” Advisory does not require a separate brand label registration approval.

“Use Up” Period For Non-Complying Labels

The Authority anticipates that manufacturers and wholesalers will have an inventory of labels on hand that may not comply with the amendments made to ABCL §107-a and the guidance provided by this Advisory. Such labels may continue to be used until the current registration period for the label expires and for an additional six month period.

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF MAY 6, 2014
REFERRED FROM: COUNSEL'S OFFICE

2014-01166E

REASON FOR REFERRAL
REQUEST FOR DIRECTION

AUTOMATED DRINK DISPENSERS IN
OFF-PREMISES PACKAGE STORE
LOCATIONS

(DECLARATORY RULING)

The Members of the Authority at their regular meeting held at the Zone I New York City office on MAY 6, 2014 determined:

Gary Landsman
334 West 77th Street
#3
New York, NY 10024

April 9, 2014

Jacqueline Flug, Esq.
Counsel
New York State Liquor Authority
317 Lenox Ave, 4th Floor
New York, NY 10027

CC: Leonard Fogelman, Esq.

Re: Request for Declaratory Ruling on automated drink dispensers in off-premise package store locations.

Dear Ms Flug,

I am a non-attorney representative writing as an unlicensed business entity, seeking a declaratory ruling by the New York State Liquor Authority.

INTRODUCTION

Wine Dispensers may be defined as devices designed to serve and preserve wines; wherein the wines being served are stored at preset temperatures and protected from oxygen by inert gasses (see pictures of select models in exhibit A & letter from US Sommelier Association about effectiveness of machines in exhibit B). Made popular by an Italian firm in 2002, modern wine dispensing & preservation systems now hold the key to unlocking the mystery for consumers wishing to purchase a wine, who previously would not have known what the wine they were interested in purchasing tasted like.

Technology is altering the way we live today and consumers are increasingly relying on technology to improve their purchasing decisions, enhance their shopping experiences and remove the risk inherent in spending money on an unfamiliar product.

Demoing, sampling, tasting and free introductory periods are commonplace in our society today. The "try before you buy" mantra is sung by manufacturers and retailers throughout nearly every industry.

Clothing, shoe and miscellaneous apparel retailers allow customers to try on any item in store prior to purchasing. Similarly, consumers of wine should be permitted to taste any wine prior to purchasing. Despite the fact that simply viewing an article of clothing or pair of shoes provides tremendous insight into what the consumer will be purchasing, consumers are still offered the option to try it first. Whereas when it comes to wine, consumers have nothing more than a few clues as to what they will be purchasing.

Wineries, both in New York State and elsewhere recognize the value and necessity of providing samples of their wines to consumers as part of the selling process. While retailers also recognize this need, the perishable nature of wine has previously prevented retailers from offering samples of more than a few products each day. But the aforementioned wine preservation systems have eliminated the spoilage concern, enabling retailers and wineries alike to offer demoing on a larger scale.

These wine dispensing/preservation machines are produced by various manufacturers throughout the world. The machines primary function is wine preservation, made possible by the insertion of inert gasses into the bottles as wine is being removed. More specifically, the machine does the following;

1. Authenticates a user (user must have card or other method provided by machine owner to enable user to access machine)
2. Receives a request to dispense (once authenticated user simply pushes a button to dispense sample)
3. Dispenses the programmed amount (can be pre-programmed to dispense different volumes)
4. Replaces the liquid (wine) that was removed with an inert (no smell or taste) gas (usually nitrogen or argon)
5. Drops user and waits for next authentication/request

Since this technology is relatively new and a method for offering the ability to try any wine was for many years not a reasonable option, this issue has likely never before risen and been presented to the SLA for consideration. But today we are seeing retailers in places such as London, Paris, California, Florida and even Idaho offering 100 or more wines for consumers to taste prior to purchase. While New York State has several package stores currently utilizing these wine-dispensing machines, there doesn't seem to be any regulation either permitting or restricting their use and I'm not aware of any rulings by the SLA as relates to their usage in these stores.

As such I would like to outline how I propose to provide such an offering in a responsible manner such that the Board may consider my proposal.

The proposal I would like the Board to consider would enable me to install machines into a package store wherein customers will have the opportunity to try 1 ounce samples of wine.

The machines, which are custom made, would only have 1 button per wine (or one sample size offered) correlating to the one ounce sample size. This is in contrast to machines found in bars and restaurants, which may have multiple buttons correlating to different sample sizes.

Customers entering the package store who wish to utilize the machines would be required to show valid proof of age to ATAP trained employees prior to gaining the ability to access the machines. Once access is granted, customers would be free to access the machines on their own. But the access granted would not exceed six 1-ounce samples per day (irrespective of the amount of time spent in the package store). So in essence, the maximum amount of wine that can be consumed per day would be 6 ounces or about 1 glass of wine.

The same ATAP trained employees will be roaming the package store location, specifically in the area of the machines. The employees would be positioned to both help customers if they had any questions about the wines in the machines or the machines themselves, as well as to monitor that the samples are being utilized in a responsible manner exclusively by users of legal drinking age (only those who showed ID and were previously granted access).

The systems will operate in a manner such that the brand name of the wine manufacturer is clearly visible on the product label through a glass window on the dispensing unit.

Applicable law & policy

1. § 80. Wine tasting. Except as otherwise provided for in this chapter, any person licensed to sell wine pursuant to this article, or section sixty-three or section seventy-nine of this chapter, shall be permitted to conduct wine tastings only upon the licensed premises.
2. Declaratory Ruling 2013-01358 provides that on-premise licensees can have such automated vending machines.
3. Advisory 2012-7 provides that wholesalers may, subject to certain conditions, conduct wine tastings in an establishment licensed to sell wine at retail.
4. § 63-a permits a distiller or wholesaler to conduct liquor tastings in liquor store premises.

Statement of facts as proposed by requesting party

The Wine Dispensing machines will contain originally labeled bottles of alcoholic beverages with labels facing the customer through a glass window.

The bottles are connected to the dispensing mechanism by tubes (see picture in exhibit A).

Each separate bottle is dispensed independent of any other so there will be no mixing of alcoholic beverages into the glass.

The machines will be built into a fixture in the store and permanently located. They will further be locked and can only be opened by staff for cleaning, maintenance and inventory replacement.

Only customers 21 years-old or older may access the tasting machines. Access will be granted by ATAP trained staff only after showing approved proof of age.

Multiple staff members will monitor the store, specifically the machines, to ensure that no underage patrons are attempting to access the machines (despite its impossibility without prior staff authentication).

Customers will be advised that the daily sample limit is six 1-ounce samples (6 ounces total per day). Once a customer has accessed 6 samples they will be locked out of the machines and they will not have the ability to taste until the next day.

Request to be considered

We hereby request that the Members of the Authority approve the proposed method for dispensing a limited amount of small samples of the wines on offer to age appropriate customers who would like the opportunity to try their wine before buying it.

Sincerely yours,
Gary Landsman



Exhibit A

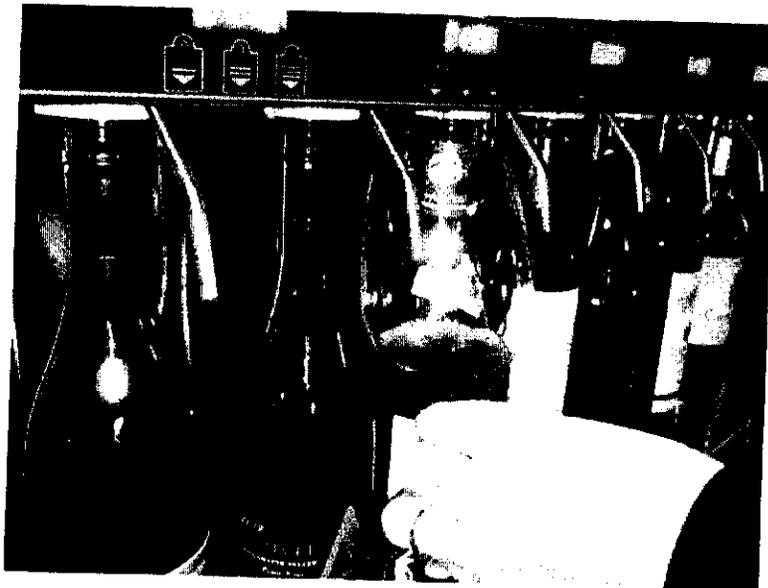
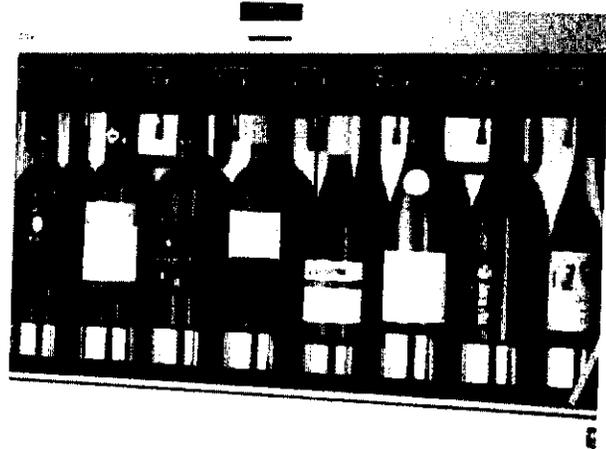


Exhibit B



March 2010

Enomatic s.r.l.
Via Meleto, 1 / int. 19 - Fraz Strada in Chianti
50027th Greve in Chianti (Fi)
Tel +39 055 8547272 - Fax +39 055 8547488
CEO: Dr. Italo Baldini

Attention: Dr. Italo Baldini,

Dear Sir:

The United States Sommelier Association, Inc. commissioned a panel of it's wine experts to conduct a series of wine quality assessments using the Enomatic® Wine Serving Systems over a thirty day (30) period in January 2010. The purpose of the evaluation was to verify the systems potential to preserve the wines organoleptic characteristics such as taste, aromatic persistence and acidity.

Wines of different quality, vintage and grapes varieties were poured from the dispensers and tested professionally with timed intervals. Enomatic® systems allow a user to connect a wine bottle directly to a system from which it is to be dispensed in different sized portions, ergo 1, 3, 5 ounce increments, by the glass through the inclusion in the system of food nitrogen (inert gas that prevents the normal deterioration of the wine due to oxygen). The wine then remains intact retaining its properties for more than three weeks after opening the bottle with the same freshness as if it had just opened.

Following these tests, the panel recognized the claims to be verified and certifies that the Enomatic® dispensers does allow wines to be preserved with their components and flavours remaining intact for up to 20 days after the opening of the bottle.

Yours truly,
United States Sommelier Association, Inc.

Rick Garced
President & CEO

RG/pf

United States Sommelier Association, Inc.
6039 Collins Avenue, Suite 504
Miami Beach, FL 33140
United States of America
Tel: 786 210 5073 / Fax: 305 867 3226
www.ussommelier.com / info@ussommelier.com

STATE OF NEW YORK: LIQUOR AUTHORITY

Definition of "similar contrivance" as applied
to automated vending machines serving
alcoholic beverages

DECLARATORY
RULING
2013-01358

Preliminary Statement

Section 98.1 of the Rules of the State Liquor Authority, (9 NYCRR SUBTITLE B) provides that any person may request the Authority to issue a declaratory ruling with respect to the applicability of the Alcoholic Beverage Control Law ("ABCL"), or the Rules of the Authority pertaining to any person, property or state of facts. A request for a declaratory ruling was submitted by Donald Bernstein, Esq. of Victor & Bernstein, P.C. The request asks the Authority if the definition of "similar contrivance" under ABCL §100(4) includes automated vending machines serving liquor and mixed drinks in the manner described by Mr. Bernstein.

Applicable Law

ABCL §100(4) allows for alcoholic beverages to be sold and to be consumed on the premises at a bar, counter, or similar contrivance.

SLA Rule 92.1 permits the installation of automated and electronic liquor dispensing system at on-premises establishments and further states the structural requirements with which the dispensing system must comply. Those requirements pertinent to the ruling requested are the following:

- (b) Such equipment must avoid an in-series hook-up which would permit the contents of liquor or wine bottles to flow from bottle to bottle before reaching the dispensing spigot or nozzle.

(c) Such equipment must not dispense from or utilize containers other than the original liquor or wine containers containing quantities not to exceed one-half gallon each of liquor or 15 gallons each of wine, as received from the manufacturer or wholesaler.

(d) Such equipment shall not permit intermixing of different kinds of products or brands within the dispensing system.

(g) No liquor or wine shall be sold, served or dispensed from such system equipment unless the brand name of the manufacturer's product corresponding to the container from which the liquor or wine is drawn is affixed or printed on a card, sign, plate, button or key of the dispensing spigot or nozzle.

In addition, the Authority requires that the utilization of such systems include operational safeguards to ensure that sales to minors or intoxicated patrons do not occur.

Statement of Facts

The following is a summary of the pertinent facts, which are more fully set forth in Mr. Bernstein's letter:

- The original labeled bottles of alcoholic beverages are fitted inside the vending machine.
- The bottles are then connected by tubes to the dispensing mechanism.
- Each separate bottle is dispensed independent of any other so there is no contamination and no mixture of alcoholic beverages until it is dispensed into the glass or flask.
- The machine will be located in a permanent location, and will be locked and can only be opened by staff for cleaning, maintenance, and replacement of inventory, etc.

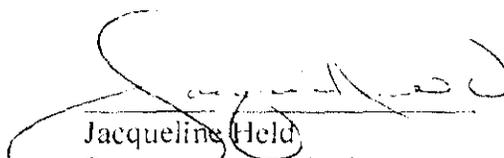
- Only patrons 21 years-old or older may purchase tokens, which they will insert into the automated machine prior to selecting the alcoholic beverage of their choice.
- Cashiers selling tokens will require legally sufficient identification, and the automated machines will be monitored by employees to ensure that no underage patrons use tokens or receive drinks, and that no other violations of law occur.
- During busy, late night hours the licensee will have New York State licensed security guards at the establishment's doors checking identification.

Request to be considered

May the automated vending machine described herein be considered a "similar contrivance," pursuant to ABCI, §100(4), from which alcoholic beverages may be sold within licensed premises in the manner described by Mr. Bernstein?

Determination by the Authority

ABCI, §100(4) allows for alcoholic beverages to be sold and consumed on the premises at a bar, counter, or similar contrivance. Automated and electronic liquor and wine dispensing systems must comply with the structural requirements of SLA Rule 92.1. The automated vending machine detailed in Mr. Bernstein's letter complies with SLA Rule 92.1. In addition, the method of operation proposed with respect to such systems must provide adequate safeguards to avoid the delivery of alcoholic beverages to underage or intoxicated patrons. The method of operation proposed in the instant application does provide such safeguards. Therefore, it is the determination of the Members of the Authority at a Full Board Meeting on May 22, 2013, that the proposed automated machine satisfies the definition of "similar contrivance" under Alcoholic Beverage Control Law §100(4) and may be utilized by a licensee in the manner described herein.


Jacqueline Held
Secretary to the Authority

STATE OF NEW YORK: LIQUOR AUTHORITY

Application of Nurses Station LLC

NOT YET
SIGNED BY THE
BOARD.

Preliminary Statement

Section 98.1 of the Rules of the State Liquor Authority, (9 NYCRR subtitle B) provides that any person may request the Authority to issue a declaratory ruling on the application of the Alcoholic Beverage Control Law, or the Rules of the Authority, on any person, property or state of facts.

By letter dated June 27, 2013, a request was submitted by John Springer, a representative for the Nurses Station LLC, a then applicant for an on-premises license. Mr. Springer requests a declaratory ruling as to whether a self-serve beer wall meets the definition of "similar contrivance" under ABCL Section 100 (4).

Statement of Facts

According to Mr. Springer, in order to use the "beer wall" a customer, whose age has been verified by an employee, must purchase a wrist band. The wrist band contains a computer chip which entitles the customer to a certain number of beers. The customer then approaches the "beer wall" which is monitored by an employee and places their chip to the wall. The customer is then permitted to pour themselves a glass of beer. The "beer wall" prevents a customer from pouring more than two beers at one visit to the wall. The "beer wall" is also monitored by an employee to ensure that no customers are over served and that no minors use the "beer wall".

Applicable Law

ABCL §100 (4) states: Alcoholic beverages may be sold to be consumed on the premises at a bar, counter or similar contrivance.

Issue Presented

Does the "beer wall" as described by Mr. Springer meet the definition of "similar contrivance" under ABCL §100(4)?

Determination of the Members

ABCL §100(4) permits alcoholic beverages to be sold and consumed on premises at a bar, counter or similar contrivance. However, the similar contrivance must ensure that alcoholic beverages are not sold or delivered to underage or intoxicated patrons. The "beer wall" and its usage, as described by Mr. Springer provides adequate safeguards against impermissible sales or service. Therefore, it is the determination of the Members of the Authority that the "beer wall" does meet the definition of "similar contrivance" under ABCL §100(4).

Licensees are reminded that this ruling is limited to the facts set forth herein. This ruling should not be considered approval for any other proposal which deviates, in any respect with the representations as set forth above. The forgoing Declaratory Ruling was approved by the Members of the Authority at Full Board meeting held on July 17, 2013.

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF 06/23/2009

2009-02733

REASON FOR REFERRAL
NOT GUILTY

1023536, NEW YORK L 5569
33 UNION SQUARE WEST INC
UNION SQUARE WINE & SPIRIT
140 4TH AVE
NEW YORK NY 10003

DO#2615-2006/Case # 35126

1. UNAUTHORIZED ALTERATIONS ON 07/22/06
2. IMPROPER CONDUCT ON 07/22/06
3. IMPROPER CONDUCT ON 07/22/06

MP: REVOCATION PLUS BOND

LICENSE ISSUED: 5/31/06
LICENSE EXPIRES: 6/30/11

ADVERSE HISTORY: NONE

NOTE:

1. THE CHARGES ARE NOT SUSTAINED.
2. LICENSEE HAD UNTIL 6/15/09 TO SUBMIT A CONTROVERSION
(NO CONTROVERSION RECEIVED).

The Members of the Authority at their meeting held at the Zone I New York Office on 06/23/2009 determined:

Charles Linn, Esq. appeared

CHARGES DISMISSED

Voting was as follows:

1. CHAIRMAN DANIEL B. BOYLE Voted: YES
2. COMMISSIONER JEANIQUE GREENE Voted: YES

NEW YORK STATE LIQUOR AUTHORITY
Hearing Bureau
317 Lenox Avenue
New York, New York 10027

-----X
IN THE MATTER OF PROCEEDINGS TO CANCEL OR REVOKE

Serial Number: 1023536 New York L 5569

Docket No(s). 2615-2006

Case No(s). 35126

Licensee: 33 Union Square West Inc.
140 4th Avenue
New York, NY 10003

Licensed Premises: Union Square Wine & Spirit
140 4th Avenue
New York, NY 10003

Principal: Mitchell Soodak
250 E. Houston Street
New York, NY 10002

-----X
ALJ: Nicholas De Cesare, Administrative Law Judge

Hearing date(s): April 17, 2009

Hearing Location: Hearing Bureau, 317 Lenox Avenue, New York, New York
10027

Notice of Pleading(s): October 9, 2008

Attorney for Authority: Donald Martin, Esq.

Attorneys for Licensee: Charles Linn, Esq.
901 North Broadway
North White Plains, NY 10603
914 949 4200

Francis Buscemi, Esq.
Mehler & Buscemi
305 Broadway, Suite 1102
New York, NY 10007
212 962 4680

33 Union Square West, Inc.
1023536 New York L 5569
Docket No. 2615-2006 / Case No. 35126

Licensee's Representative: Mitchell Soodak, Principal of Licensee

Licensee Pro Se: No

Witness(es) for Authority: Mark Yallum, Authority Investigator, License Bureau
(Yallum)

Witness(es) for Licensee: Clay Sheff, Principal, Sheff Imports
Mitchell Soodak, Principal of Licensee (Soodak)

Licensee Present: Yes

Other Persons Present: None

Authority's Exhibits: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12

Licensee's Exhibit: A, B, C, D, & E

Hearing Recorded: Digitally

CHARGE(S):

Docket No. 2615-2006 / Case No. 35126

1. That on 7/27/06, in violation of Subdivision 1 of Section 99-d of the Alcoholic Beverage Control Law, the Licensee altered the Licensed Premises without the permission of the State Liquor Authority first obtained.
2. That on 7/27/06, the Licensee violated Section 80 of the Alcoholic Beverage Control Law by conducting a wine tasting on the Licensed Premises in a manner, and employing means that were inconsistent with the express requirements of this statute.
3. That on 7/27/06, the Licensee violated Section 80 of the Alcoholic Beverage Control Law by conducting a wine tasting by using a mechanical device to dispense wine in derogation of the express requirements of the statute.

BASED UPON the testimony and record in this case, the Administrative Law Judge makes the following findings of fact and opinion.

33 Union Square West, Inc.
1023536 New York L 5569
Docket No. 2615-2006 / Case No. 35126

FINDINGS OF FACT:

Case No. 35126

Charge 1

Authority witness Yallum visited the Licensed Premises on July 7, 2006 to conduct an Enforcement Bureau investigation regarding Licensee's installation of automatic wine tasting or oenomatic equipment in the Licensed Premises. Upon entering, Yallum observed that Licensee had installed three (3) oenomatic wine dispensing machines which sat on counters which Licensee had also installed. Licensee witness Soodak stated that the counters were 42" high, which the Authority did not controvert. Licensee witnesses Sheff and Soodak also asserted that the automatic wine dispensers are equipment involving electrical plumbing and refrigeration aspects in their installation, again which the Authority did not controvert. Soodak also stated that the equipment was installed to fit in the existing layout of the Licensed Premises (see State Exhibit 9 - Diagram of Licensed Premises - numbers 1, 2, and 3 denote location of wine tasting equipment).

Charges 2 and 3

Authority witness Yallum visited the Licensed Premises on July 7, 2006 to conduct an Enforcement Bureau investigation regarding Licensee's installation of automatic wine tasting or oenomatic equipment in the Licensed Premises. After he entered, he spoke with a sales clerk who explained that, with a purchase of a bottle of wine, a customer is eligible to obtain a Savvy Sipper card which can then be used to draw tastes of wine from the three (3) wine tasting machines. To get a Savvy Sipper card, the individual must fill out an information form, show proof of being age 21 and acknowledge the conditions of use. (See State Exhibit 3.) The Licensee reserves the right to confiscate those cards and revoke tasting privileges at any time. Each card has a total point value which is drawn down by an established number of points for each taste. Only one draw is permitted per bottle and each draw is one half an ounce of wine. Yallum's card was worth 500 points. There are three (3) wine dispensing machines each holding sixteen (16) bottles of wine with labels displayed. Over each bottle, a digital display shows a number that corresponds to a point value for the wine shown below it. The machines are manufactured in Italy (see State Exhibits 4 and 12).

Yallum inserted his card for a variety of wine tastings. He tasted six (6) different wines at the first tasting station, French, Italian, and Spanish (Old World Reds) (see State Exhibit 5). Yallum then proceeded to the second tasting station (New World Reds) and tasted eight (8) different wines (see State Exhibit 6). Yallum then proceeded to the third

6
8
9
—
23 WINES
TASTED

33 Union Square West, Inc.
1023536 New York L 5569
Docket No. 2615-2006 / Case No. 35126

tasting station dedicated to whites and roses from the world over and tasted wine (9) samples (see State Exhibit 7). These tastings depleted his card, and he was not permitted another 500 point card, which was a one-time deal for first-comers who make a purchase (see State Exhibit 8 - Investigation Report). Yallum stated that he observed one (1) employee by the first tasting station putting out glasses and an employee in the wine vault.

Licensee witness Sheff, President of Sheff Imports, which distributes the oenomatic equipment, explained in detail how the tasting equipment operates and how they are installed (see Licensee Exhibit A, B, C, and D for photographs of equipment and State Exhibit 11). He explained that the equipment is self-service in a controlled and monitored manner and the dispenser is sanitized after each taste. He stated that the equipment is designed to automatically cut-off dispensing of limited wine samples to protect against abuse. Sheff also described the installation process of the wine tasting equipment which entailed electrical, plumbing and refrigeration. He also stated that the Authority did not object to the equipment's usage at the Clos Wine Bar in the Time Warner Building.

Licensee witness Soodak stated that generally he has twelve (12) employees working on the Licensed Premises, including cashiers, sales representatives and stock personnel. He described his business as high-end and high dollar volume. He also stated that sales representatives are stationed near the wine tasting equipment, which are visible from the sales area as well, to observe customer behavior, monitor sobriety and protect against abuse in the wine tasting. Additionally, there are surveillance cameras trained on the equipment. Spittoons are provided at each tasting station. The computerized patron identification system stores all user information including date of birth. Soodak explained that the wine tasting procedures have been further refined since 2006 so that glassware for tasting must be secured from sales representatives and there is a limit of five (5) half ounce tastings per tasting card, at which point the card is deactivated. In July 2006, the control was one half ounce sample per wine bottle, with point limitations per wine tasted and over all point limitation on cards. Improper usage was monitored by staff.

OPINION

Charge 1 - There is not substantial evidence to sustain the charge. Rules 47.3(c) and 47.2(a) of the Rules of the State Liquor Authority, respectively, permit a Licensee to install counters no higher than 42" and electricity, plumbing, refrigeration, installations without first obtaining the permission of the Authority. It is undisputed that the counters installed by Licensee met the statutory limit described above. Moreover, the credible testimony of Licensee witnesses Sheff and Soodak established that the installation of

33 Union Square West, Inc.
1023536 New York L 5569
Docket No. 2615-2006 / Case No. 35126

the oenomatic equipment was made in the existing layout of the Licensed Premises and involved the kind of electrical, plumbing and refrigeration work contemplated under the above Rules. In essence, the oenomatic equipment installed was a kind of appliance and did not constitute an alteration which violated subdivision 1 of Section 99-d of the Alcoholic Beverage Control Law.

Charges 2 and 3 - There is not substantial evidence to sustain the charge. Section 80 of the Alcoholic Beverage Control Law expressly permits a Licensed Premises, such as Licensee, to "conduct wine tastings." (See State Exhibit 10.) The issue at hand is whether the term "conduct" under the cited statute would encompass wine tasting by use of automatic wine tasting dispensers, such as the oenomatic equipment used by Licensee, or whether such use is inconsistent with or in derogation of the express requirements of the statute. The cited statute does not on its face stipulate a prescribed manner for conducting wine tastings. The word "conduct" is broad enough, even using the Authority's Miriam Webster Dictionary definition (see State Exhibit 11) to encompass the use of ancillary equipment in wine tasting, i.e., "to convey in a channel" or "to act as a medium for conveying or transmitting." In this instance, the "channel" or "medium" is the oenomatic equipment. Generally, the wine is poured by a human being/bartender, who acts in the same manner as the oenomatic equipment as a dispenser of the wine tasting.

The safety and monitoring attributes offered by a human dispenser are matched and even exceeded by those of the oenomatic equipment, as clearly established by the testimony of Licensee's witnesses Sheff and Soodak and not controverted by the testimony of Authority witness Yallum.

As structured in 2006, the wine tasting process contained a number of inherent safeguards to protect against abuse or unsanitary conditions and assure the sobriety of the wine tasters; these safeguards included controlled card issuance to customers age 21 years and over, controlled access to wine tasting in volume dispensed (one half ounce), no repetition of tasting of the same bottle and maximum point limits when the card deactivates, sanitized wine dispensing and spittoon availability and surveillance by sales representatives and other personnel as well as by video camera. These safeguards would, in my opinion, operate just as or even more effectively, than use of a human dispenser. Moreover, Licensee witness Soodak also testified as to refinement to the wine tasting process now in place which provide further safeguards.

The preponderance of the evidence establishes that the use of the oenomatic wine tasting equipment is not employment of a means or manner inconsistent with or in derogation of the express requirements of the statute. On the contrary, it is a form of conducting a wine tasting, which comports with the definition of the term "conduct,"

33 Union Square West, Inc.
1023536 New York L 5569
Docket No. 2615-2006 / Case No. 35126

utilizing the Authority's own definition submitted into evidence.

CONCLUSION

Charge 1: The charge is not sustained.
Charge 2: The charge is not sustained.
Charge 3: The charge is not sustained.

Nicholas DeCesare
Nicholas DeCesare
Administrative Law Judge

Dated: May 4, 2009

New York County
Serial Number L1023536

State of New York
EXECUTIVE DEPARTMENT
Division of Alcoholic Beverage Control

Date Assigned: 03/10/14
Date Transcribed: 03/28/14

REPORT OF CASE NO. 96279

NAME/ADDRESS:

33 UNION SQUARE WEST INC
UNION SQUARE WINE & SPIRIT
140 4TH Avenue
New York, NY 10003

INVESTIGATIVE ACTIVITY:

"Investigative comments: See Email from Counsel Flug;
Talk to her before your visit".

Origin: The origin of this investigation was a referral from the Authority's Counsel Office requesting that a field visit be made to two wine stores to ascertain how their dispensing machine works.

License Information:

The two officers for this corporation are, Mitchell Soodak, DOB 01/06/1951, President, and Mr. Robert Green, DOB 01/03/1954, Secretary. The original issue date was 05/31/2006, and the expiration date is 06/30/2014.

Investigation:

On March 25, 2014, at 3:19PM, I made an undisclosed field visit to the location, 140 4th Avenue, New York, NY, pursuant to case number 96279. The location is a large corner store with the entrance on 13th Street and Fourth Avenue, NY. There are three individual wine dispensing machines located in different areas inside the store. The machines are free standing on a round stand. The sample bottles are connected to the dispensing machine via a device. When I asked a store clerk, Afro American Female, 50-55 years old, how their machine worked, she stated that a customer would have to buy a bottle of wine, then sign up to the program (for free), he or she would receive five point added to their card for every future purchase; at some point they could redeem their card and (for free) use the dispensing machine before making a purchase. When I asked her how many bottles of wine I would have to purchase before I could use the dispensing machine, she stated that an average of twelve bottles wine for customers. I did not make any purchase of wine nor did I use the wine dispensing machines. I left the area at 3:45PM.
End of report.

Refer to Counsel:	Charges:
A / L:	
Warning Interview:	
File:	
Other:	
Initials:	Date:

SUBMITTED BY:

REVIEWED BY:

Julio Minoz
Investigator *Julio Minoz*

Supervisor / Date



Choose from dozens of deeply discounted sale-priced wines.

OR

Mix and match 12 or more bottles and take 30% off our regularly priced still wines.

usq wines

spring wine sale
up to 30% off



sale ends 4/6/14

Need to find those perfect wines to fill out your case?

-Taste from the 48 selections on our Enomatic machines and earn *Double Eno Credits* on all purchases during the sale.

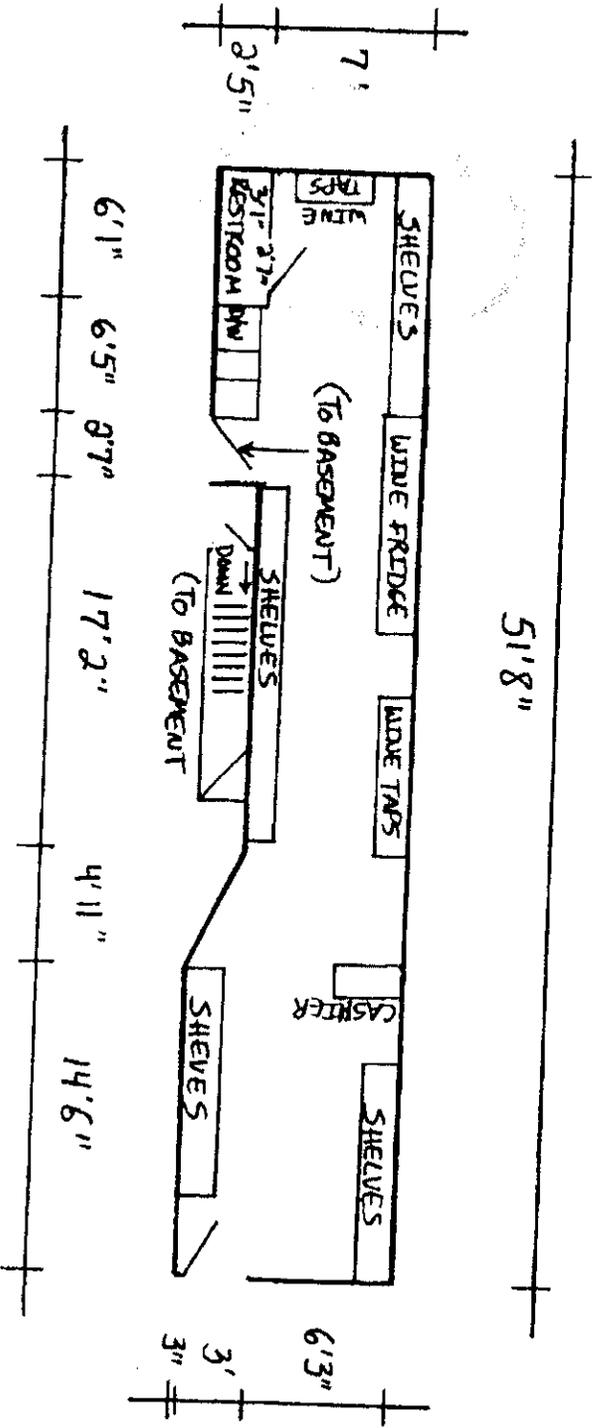
-Join us for our upcoming tasting events including:

New York Drinks New York – Wines from Finger Lakes & Long Island
Parts One and Two - March 22nd and 29th, 2:00-5:00

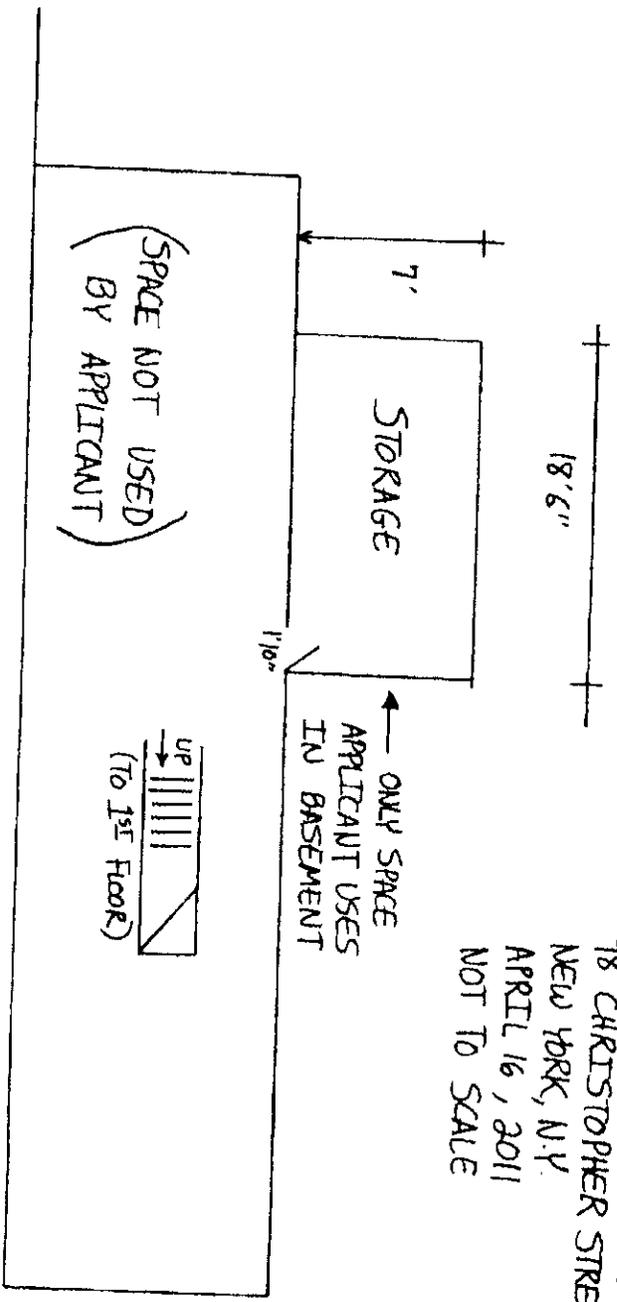
Vernal Vines – Spotlight on Pinot Noir
April 5th, 2:00-5:00

Admission to these tastings is *FREE*, and reservations are *NOT* required.
Visit unionsquarewines.com for details

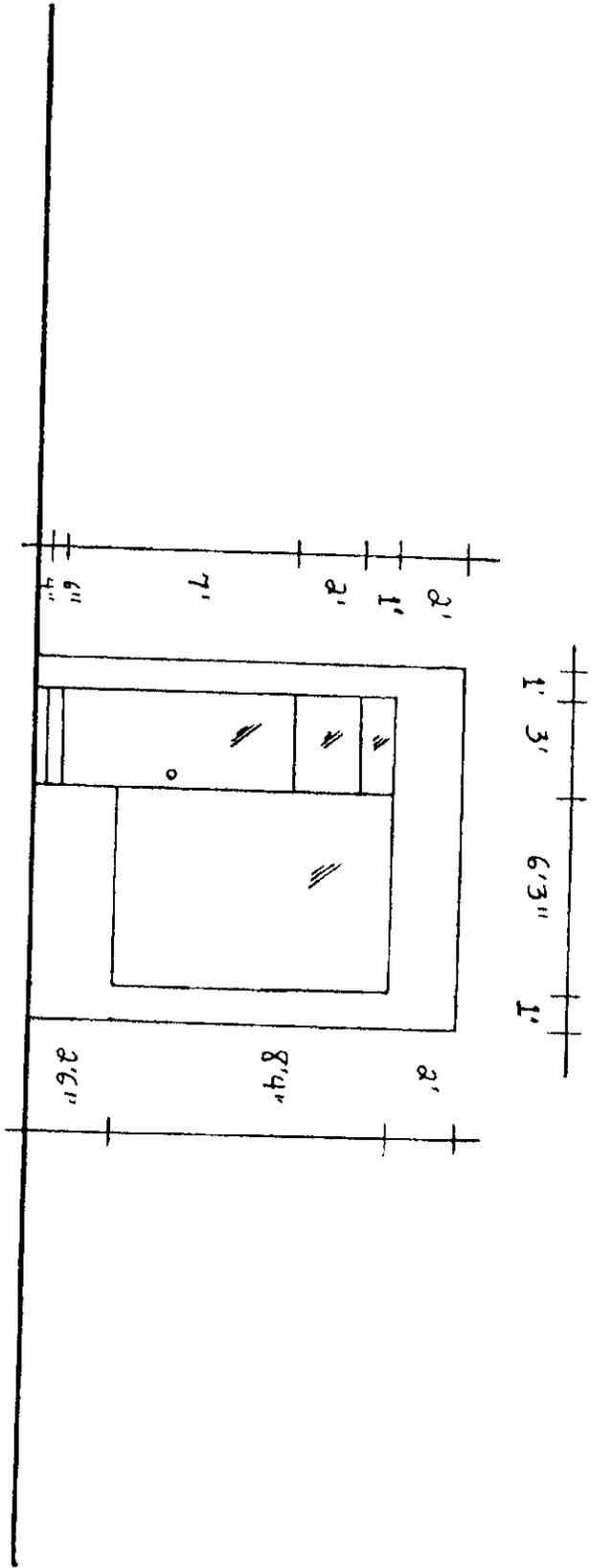
INTERIOR DIAGRAM
98 CHRISTOPHER STREET
NEW YORK, N.Y.
SCALE - 1/8" = 1'0"
APRIL 16, 2011



INTERIOR DIAGRAM - BASEMENT
98 CHRISTOPHER STREET
NEW YORK, N.Y.
APRIL 16, 2011
NOT TO SCALE



FRONT ELEVATION
 98 CHRISTOPHER STREET
 NEW YORK, N.Y.
 APRIL 16, 2011
 SCALE - 1/4" = 1'8"



PLNLO 118 CHRISTOPHER ST.
KARAOKE 118 CHRISTOPHER ST.
VACANT
PET STORE
TY'S 114 CHRISTOPHER ST. DAY SPA
CLOTHING STORE
RESIDENTIAL
CLOTHING STORE
RESIDENTIAL
CLOTHING STORE
RESIDENTIAL
APPLICANT
RESIDENTIAL
SMOKE SHOP
RESIDENTIAL
VACANT
HAVANA ALMA DE CUBA 94 CHRISTOPHER STREET
RESIDENTIAL
DAY SPA

— CHRISTOPHER ST. —

VIDEO & GIFT SHOP
TATTOO PARLOR
RESIDENTIAL
BARBER SHOP
RESIDENTIAL
THE HANGAR 115 CHRISTOPHER ST.
PSYCHIC
GIFT SHOP
RESIDENTIAL
CLOTHING STORE
COFFEE & TEA STORE
HAIR SALON
I SODI 105 CHRISTOPHER ST.
RESID RESIDENTIAL
DELI

AREA SURVEY
98 CHRISTOPHER STREET
NEW YORK, N.Y.
APRIL 16, 2011
ANT TA GRANT

— BLEECKER ST. —

CLOTHING STORE
VIDEO & GIFT STORE
RESIDENTIAL
LOCKSMITH
CLOTHING STORE

ACCESSORY STORE
BAKERY
CANDY STORE
VACANT
TATTOO PARLOR
GROCERY
TATTOO PARLOR