

To: All manufacturers, wholesalers and retailers of liquor and wine
Subject: Proper Purchase and Sale of Private Collection Wines and liquors

The purpose of this Advisory is to provide guidance to manufacturers, wholesalers and retailers of wine or liquor with respect to proper purchase and sale of private collection wines and liquors. Alcoholic Beverage Control Law (ABCL) Sections 85, titled Purchase from Private Collection and 99-g, titled Sale of Privately Held Wines and Liquors grant non-licensed persons¹ the ability to sell bottled wine and liquor to licensed retailers and wholesalers, provided that each bottle has a label permanently affixed stating the wine was acquired from a “private collection”. However, since the ABCL provides no definition of “private collection” there is confusion as to what constitutes a private collection for purposes of compliance with ABCL Sections 85 and 99-g.

The Authority is aware that many New York retailers purchase large quantities of wine and liquor from entities not licensed in this state while claiming same to be purchased from a private collection. Furthermore, the Authority is aware that many of the wines and liquors purchased in this manner are currently price posted in this state and available for purchase via the three-tier system.

Accordingly, the Members of the Authority hereby define liquor sold by a non-licensed person from a “private collection” to mean only liquor not currently price posted for sale in New York by a duly appointed brand agent within the meaning of ABCL Section 101-b(3)(a). In addition, the Members of the Authority now define wine sold by a non-licensed person from a “private collection” to mean:

- 1) Bottled white or, rose wine which is more than five years old and that was purchased either at retail or auction and owned by the non-licensed person for a minimum of two years with proof of purchase, or;
- 2) Bottled red wine, port, or sparkling wine, which is not less than 10 years old and that was purchased either at retail or auction and owned by the non-licensed person for a minimum of two years with proof of purchase.

Industry members are reminded that in order to be considered wine as defined in ABCL Section 3(36), the beverage alcohol must have an alcohol content not in excess of 24% by volume, as a result for purposes of this advisory cognac shall be considered to be liquor. Industry members are further reminded that pursuant to ABCL Sections 85 and 99-g all bottles sold from non-licensed individuals must bear a permanently affixed sticker stating that they were acquired from a private collection

¹ For purposes of this advisory “non-licensed person” means a person that does not hold any license pursuant to the ABCL and who is not interested directly or indirectly in any business or premises where any alcoholic beverage is manufactured or sold at wholesale or retail.