

NEW YORK STATE LIQUOR AUTHORITY  
FULL BOARD AGENDA  
MEETING OF JUNE 20, 2012  
REFERRED FROM: COUNSEL'S OFFICE

2012-01690

REASON FOR REFERRAL  
REQUEST FOR DIRECTION

INTERNET ADVERTISING PLATFORM

(DECLARATORY RULING)

The Members of the Authority at their regular meeting held at the Zone I New York City Office on JUNE 20, 2012 determined:

NEW YORK STATE LIQUOR AUTHORITY  
FULL BOARD AGENDA  
MEETING OF JUNE 20, 2012  
REFERRED FROM: COUNSEL'S OFFICE

2012-01691

REASON FOR REFERRAL  
REQUEST FOR DIRECTION

ON-PREMISES LIQUOR LICENSE  
FOR A MOVIE THEATER

(DECLARATORY RULING)

The Members of the Authority at their regular meeting held at the Zone I New York City Office on JUNE 20, 2012 determined:

NEW YORK STATE LIQUOR AUTHORITY  
FULL BOARD AGENDA  
MEETING OF JUNE 20, 2012  
REFERRED FROM: COUNSEL'S OFFICE

2012-01692

REASON FOR REFERRAL  
REQUEST FOR DIRECTION

PUBLIC, PRIVATE, CHARITABLE AND  
OTHER EVENTS

(ADVISORY)

The Members of the Authority at their regular meeting held at the Zone I New York City Office on JUNE 20, 2012 determined:

To: All manufacturers, wholesalers, suppliers, and distributors, whether or not licensed under the ABCL, and on premises licensees

Subject: Public, Private, Charitable and Other Events

The Authority has received questions and some expressions of concern regarding the conduct of public, private, charitable and other events by manufacturers, wholesalers, suppliers and distributors of alcoholic beverages in New York. This Advisory provides guidance on the proper conduct of said events.

1. Events Where The Sponsor Purchases The Product From Retailers

It does not constitute an improper gift or service under ABCL §101(1)(c) for manufacturers, wholesalers, suppliers or distributors of alcoholic beverages, whether or not licensed pursuant to the ABCL (hereinafter collectively referred to as "Sponsor" or "Sponsors"), to purchase alcoholic beverages from on premises licensees in the following manner and subject to the following restrictions:

(a) For consumers and business associates on an individual or incidental basis;

(b) For promotional events open to the general public, where a Sponsor spends no more than \$700.00<sup>1</sup> (excluding a wait staff gratuity of not more than 20%) for the purchase of alcoholic beverages at a licensee's regular price per licensed premises per event, and conducts no more than ten events per calendar year per licensed premises; provided that the Sponsor shall maintain, for a period of two (2) years from the date of each event, a record of the event that includes (i) its date, time, location, and estimated duration; (ii) the brand(s) that were offered; and (iii) the name of the entity, and the name(s) of the persons or agents who conducted the event on behalf of the Sponsor;

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<sup>1</sup> Supersedes 2006 Attorney General Consent Orders which established standard of \$500.00 plus 20% gratuity per licensed premises per event for "bar spend" events.

(c) For private invitation-only events closed to the general public subject to the following guidelines and restrictions:

1. A Private Event, for purposes of this Advisory, is a gathering of invitees who have an identifiable affiliation or relationship with the sponsor (e.g., a party for employees, vendors or business associates), or a common affiliation or relationship with one another (e.g., an event for journalists, sports teams or non-profit organizations). A large gathering of a group of consumers or potential consumers, without meaningful commonality other than a sponsor's attempt to market or target a demographic, shall not be considered a Private Event for purposes of this Advisory.
2. Invitees to a Private Event shall be solicited by a communication sent directly to specific individuals of legal drinking age, by individual name. The sponsor may elect to allow each such named individual to bring one guest. The solicitation may be made by a variety of means, such as letter, email, or other digital communication, phone call, delivery service or in person. In contrast, generic invitations to a group of persons, invitations posted in newspapers or on-line, or invitations authorizing anyone wishing to attend the event to register through an on-line website, may not be used to solicit attendees, and shall result in an event being subject to the restrictions set forth in (b) above.
3. A Private Event shall be held in an area that is reserved to invitees. Said area may consist of as little as one reserved table if such an arrangement is commensurate with the number of invitees.
4. The alcoholic beverage products provided for a Private Event may be limited to those of the Sponsor.
5. An employee of the Sponsor shall be present during the entire Private Event.

6. Retail licensees and their employees may be invited. However, the Sponsor may not send a general invitation for the event to all employees of a retail licensee or to a chain of retail licensees with the exception of invitations to retailer education seminars held pursuant to SLA Rule 86.8.
  7. All alcoholic beverages being offered, sold or given away for consumption at the Private Event shall be NYS brand label approved and properly price posted in accordance with the ABCL.
  8. All Sponsors shall maintain for a period of two (2) years from the date of the Private Event a complete record of all documents, including but not limited to agreements, contracts and expenditures, for each event held, and these records shall be made available to the Authority for inspection upon request.
  9. The presence of media representatives and/or the circulation of generic media advisories shall not affect the determination of whether or not an event is a *bona fide* Private Event.
  10. No Sponsor may conduct more than ten Private Events in any calendar year with the same holder of an on-premises license other than a catering establishment license, no more than fifteen Private Events in any calendar year with the same holder of a catering establishment license.
  11. Private Events held exclusively for employees of the Sponsor shall have no annual limit with respect to the number of events conducted at any one licensee.
2. Events Where The Sponsor Provides The Product
- (a) Sponsor donations of alcoholic beverages for events conducted by not-for-profit, charitable, or other non-licensed third-parties or organizations, whether or not in exchange for promotional benefits for the Sponsor and whether or not such event is held at a licensed retailer, are not subject to

any restrictions under this Advisory, provided the Sponsor does not choose the retailer or caterer.

(b) Private Events or "Brand Experience" events held at a non-licensed venue, where alcoholic beverages are brought by the Sponsor or a holder of a caterer's permit is hired solely to serve the product and to provide food for the invitees, are not subject to any restrictions under this Advisory, provided any unused product is removed by the Sponsor after the event. Sponsors are reminded that a proper license or temporary permit is required for the event, and the alcoholic beverages must be properly brand label approved.<sup>2</sup>

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<sup>2</sup> (c) New York brand label approval is not required for tastings where the sponsor provides the product at an unlicensed venue pursuant to a properly issued Supplier's Permit (See SLA Advisory 2012-4).