

STATE OF NEW YORK
LIQUOR AUTHORITY

To: All brewers, beer wholesalers and retailers

Subject: Exchange of storm damaged beer

The Authority is aware that beer retailers in the areas impacted by Hurricane Sandy have suffered damage to their inventories that, if sold to consumers, may pose a public health risk. This damage includes product being exposed to flood and rain water, physical damage to containers, and product deterioration from loss of electrical power. A request has been made to the Authority to allow brewers and wholesalers to replace beer in the possession of retailers when there is evidence of damage or exposure caused by the recent storm that could jeopardize the public health by compromising the integrity or quality of the beer.

Although manufacturers and wholesalers are generally prohibited from accepting returns of, or exchanging product, from retailers, the Authority has the power, under Section 65.9 of the Rules of the Authority, to permit such exchanges or returns for good cause shown. Accordingly, the Authority will allow, at their discretion, brewers and beer wholesalers to replace storm damaged product with fresh product. In cases where the licensee is not currently open for business, brewers and beer wholesalers may issue a credit to the retailer for the storm damaged product removed from the establishment.

The exchanges or credits authorized by this notice shall be permitted in New York City and the following counties: Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan and Westchester. Retailers must advise the brewer or beer wholesaler of any storm damaged product by November 30, 2012. Product damaged by storms after Hurricane Sandy, but before November 30th, shall also be subject to such exchanges or credits.