Advisory #2010-1
December 1, 2010

STATE OF NEW YORK
LIQUOR AUTHORITY

TO: ALL MANUFACTURERS AND WHOLESALERS

SUBJECT: DISTRIBUTION OF SAMPLE CONTAINERS OF ALCOHOLIC BEVERAGES

The Members of the Authority provide the following guidance with respect to compliance with the Alcoholic Beverage Control Law and the Rules of the State Liquor Authority:

1. Distribution of sample containers to retail licensees.

Sample containers of liquor may not be given to a retailer. Sample containers of wine and beer may be given to a retailer under the following conditions:

a) Not more than two containers of any such brand of wine or beer shall be given to a retailer.

b) Each such container shall not exceed 750 ml in size.

c) Such sample containers of brand of wine or beer may only be given to a retailer who has not purchased the brand of wine or beer within the last 12 months from the manufacturer or wholesaler providing the sample.

d) For purposes of this advisory only, products with different flavors or vintage shall be considered different brands.

2. Distribution of sample containers to consumers.

Sample of containers of alcoholic beverages may not be given to consumers. This shall not prohibit sales of wine or beer to consumers by manufacturers or wholesalers who have the appropriate license to sell at retail.