

To: All wholesalers and retailers of liquor and wine

Subject: Year-end retailer inventory replenishment

The December holiday season is the busiest selling period for many retailers. At the request of industry members, in order to provide retailers with sufficient time to restock their liquor and wine inventories using wholesaler's lower December prices, the Authority has approved the following:

- Retailer orders of liquor and wine received by wholesalers on December 31, 2012 may either be delivered that day or, at the option of the wholesaler, may be invoiced for "bill and hold" as of that day. Product subject to "bill and hold" invoices dated December 31, 2012 may be stored by wholesalers free of charge until January 4, 2013 without same being considered a violation of the gifts and services prohibition set forth in Alcoholic Beverage Control Law section 101(1)(c). Normal storage charges must be assessed against any goods which were placed in storage on December 31, 2012 that have not been delivered by close of business on January 4, 2013.
- Wholesalers of liquor and wine may accept retailer orders on January 2, 2013 utilizing either December, 2012 or January, 2013 prices, at the retailer's option.
- All retailer orders made on January 2, 2013 utilizing December, 2012 pricing must be delivered on that day or invoiced for delivery to "bill and hold" as of January 2, 2013. If a wholesaler finds that it cannot complete deliveries of all orders received at December, 2012 prices on January 2, 2013 and prefers not to deliver same to "bill and hold" then said wholesaler may forward a report to the SLA via electronic mail (wholesale@sla.ny.gov) no later than 12:00 noon on January 3, 2013 of all such orders received and may complete delivery of all such product no later than close of business on January 4, 2013. Any such goods invoiced for delivery to "bill and hold" on January 2, 2013 must be delivered to retailers no later than close of business January 4, 2013. Product subject to invoices utilizing December, 2012 pricing and dated January 2, 2013 whether delivered to "bill and hold" or not must be stored by wholesalers free of charge until delivery to the retailer which must occur on or before close of business January 4, 2013. Said free storage applies only to invoices dated January 2, 2013 and which utilize December, 2012 pricing. All invoices dated January 2, 2013 that include items at January, 2013 prices are not eligible for free "bill and hold" storage and same will be considered a violation of the gifts and services prohibition set forth in Alcoholic Beverage Control Law section 101(1)(c). Moreover, normal storage charges must be assessed against any goods which were placed in storage on January 2, 2013 that have not been delivered by close of business on January 4, 2013.
- Credit calendar adjustment – wine or spirits delivered from December 17, 2012 through December 31, 2012 must be billed for credit purposes as if the goods had been delivered on December 31, 2012.