

STATE OF NEW YORK  
LIQUOR AUTHORITY

TO: All manufacturers, importers, wholesalers, and agency staff

SUBJECT: Tastings and “sales by the bottle” conducted by manufacturers, importers and wholesalers

The purpose of this Advisory is to provide guidance to manufacturers, wholesalers and importers with respect to their ability under the Alcoholic Beverage Control Law (“ABCL”) to: conduct tastings (or supplying samples) of their products to consumers; and sell their product to consumers for off-premises consumption (hereinafter referred to as “sale by the bottle”). The specific statutes referenced in this advisory should be reviewed to ensure that all tastings are conducted in compliance with the ABCL.

In addition, this Advisory provides information regarding the new Supplier/Wholesaler Marketing Permit, which replaces the Supplier/Wholesaler Tasting Permit explained in Advisory 2012-4 issued on April 24, 2012. This Advisory replaces Advisory 2012-4, which is hereby rescinded in all respects. In addition, this Advisory shall replace any prior written or verbal directives from the Authority regarding the issuance of permits to manufacturers, importers and wholesalers (whether or not they are licensed in this state) to allow such entities to conduct tastings or make sales by the bottle.

Except as provided for in this advisory, no manufacturer, importer or wholesaler of alcoholic beverages may conduct tastings or sell by the bottle in this state. In addition, except as set forth in this Advisory, no manufacturer, importer or wholesaler can charge a fee to a consumer to participate in a tasting.

For purposes of this advisory, the term:

“*Brewer*” means an entity, other than a farm brewer, licensed by the Authority under ABCL §51 to produce beer.

“*Farm brewer*” means an entity licensed by the Authority under ABCL §51-a to produce beer and cider.

“*Cider producer*” means an entity licensed by the Authority under ABCL §58 to produce cider and sell cider at wholesale.

“*Distiller*” means an entity, other than a farm distiller, licensed by the Authority under ABCL §61 to produce liquor.

“*Farm distiller*” means an entity licensed by the Authority under ABCL §61(2-c) to produce liquor.

“*Winery*” means an entity licensed by the Authority under ABCL §76 [winery] or §76-c [special winery] to produce wine.

“*Farm winery*” means an entity licensed by the Authority under ABCL §76-a [farm winery or micro-winery] or §76-d [special farm winery] to produce wine and cider.

“*Manufacturer*” means an entity licensed by the Authority as a brewer, farm brewer, cider producer, distiller, farm distiller, winery or farm winery.

“*Wholesaler*” means an entity that holds a license or permit issued by the Authority to sell alcoholic beverages at wholesale under one of the following sections of the ABCL: §53 [beer]; §58 [cider]; §58-a [cider]; §62 [liquor]; or §78 [wine]. A licensed wholesaler may also be an importer if it holds a basic federal permit to import alcoholic beverages.

“*Importer*” means an entity, having a basic permit as required by §1.20 of title 27 of the code of federal regulations to import alcoholic beverages. An importer may also be a “licensed wholesaler” if it holds a wholesale license issued by the Authority.

“*Out-of-state manufacturer*” means an entity that holds a valid license issued by another state to produce alcoholic beverages.

“*Out-of-state wholesaler*” means an entity that holds a valid license issued by another state to sell alcoholic beverages at wholesale. An out-of-state wholesaler may also be an importer if it holds a basic federal permit to import alcoholic beverages.

## **Tastings**

### **By brewers:**

- A brewer may conduct tastings at its licensed premises of beer it produces. No additional permit is needed. [ABCL §51(8)(d)].
- A brewer may obtain a temporary (3 day) or annual brewer tasting permit. Such permit allows the brewer to conduct tastings of the beer it produces at: (a) establishments licensed under ABCL §54 or §54-a to sell beer, or beer and wine products at retail for consumption off the premises, such as grocery store or drug store licenses; (b) county fairs; and (c) establishments licensed under ABCL §53 to sell beer at wholesale that may also sell beer at retail for consumption off the premises, also known as “C” licensees. [ABCL §51(8)(a)].

- A brewer may obtain a permit to conduct tastings throughout the state of New York State labeled beer it produces. These permits are issued either on an annual basis or for a specific event. [ABCL §51(6-a)(e)].<sup>1</sup>
- A brewer may conduct tastings of beer it produces using a supplier/wholesaler marketing permit. Information concerning such permits is provided later in this document.

**By licensed farm brewers<sup>2</sup>:**

- A farm brewer may conduct tastings at its licensed premises (or one of its branch offices) of New York State labeled beer and New York State labeled cider that it produces or that is produced by any other farm brewery. No additional permit is needed. [ABCL §51-a(2)(g)].
- A farm brewer may conduct tastings at its licensed premises (or one of its branch offices) of New York State labeled wine that is produced by a winery or farm winery. No additional permit is needed. [ABCL §51-a(2)(i)].
- A farm brewer may conduct tastings at its licensed premises (or one of its branch offices) of New York State labeled liquor that is produced by a distiller or farm distiller. No additional permit is needed. [ABCL §51-a(2)(j)].
- A farm brewer may obtain a temporary (3 day) or annual brewer tasting permit. Such permit allows the brewer to conduct tastings of the beer it produces at: (a) establishments licensed under ABCL §54 or §54-a to sell beer, or beer and wine products at retail for consumption off the premises, such as grocery store or drug store licenses; (b) county fairs; and (c) establishments licensed under ABCL §53 to sell beer at wholesale that may also sell beer at retail for consumption off the premises, also known as “C” licensees. [ABCL §51(8)(a)].
- A farm brewer may obtain a permit to conduct tastings of beer it produces at locations throughout the state. Such permits are issued on an annual basis or for individual events. [ABCL §51-a(2)(e)].
- A farm brewer may conduct tastings of beer it produces using a supplier/wholesaler marketing permit. Information concerning such permits is provided later in this document.

**By cider producers:**

- A cider producer may not conduct tastings at its licensed premises.

---

<sup>1</sup> Effective January 14, 2013.

<sup>2</sup> Effective January 14, 2013.

- A cider producer may conduct tastings of New York State labeled cider at licensed package stores without having to obtain a permit. [ABCL §58(2)(a)].
- A cider producer may conduct tastings of New York State labeled cider at licensed restaurants, hotels and catering establishments without having to obtain a permit. [ABCL §58(2)(b)].
- A cider producer that holds a “satellite store” license may also conduct tastings of New York State labeled cider at the satellite store. No additional license or permit for these tastings is needed. [ABCL §58(4)].
- A cider producer may obtain a permit to conduct tastings of New York State labeled cider at the State Fair county fairs and farmers markets. [ABCL §58(3)].
- A cider producer may conduct cider tastings using a supplier/wholesaler marketing permit. Information concerning such permits is provided later in this document.

**By distillers:**

- A distiller may not conduct tastings at its licensed premises.
- A distiller may conduct tastings at establishments licensed in this state to sell liquor at retail for consumption off the premises (a “package store”). No additional license or permit for these tastings is needed. [ABCL §63-a].
- A distiller may also conduct tastings using a supplier/wholesaler marketing permit. Information concerning such permits is provided later in this document.

**By farm distillers:**

- A farm distiller may conduct tastings at the licensed premises of liquor made primarily from New York State products that is produced by the farm distiller or by other licensed distillers and farm distillers. No additional license or permit for these tastings is needed. [ABCL §61(2-c)(c)].
- A farm distiller may conduct tastings at its licensed premises of New York State labeled wine that is produced by a winery or farm winery. No additional permit is needed. [ABCL §61(2-c)(a)(vii)].<sup>3</sup>
- A farm distiller may conduct tastings at its licensed premises of New York State labeled beer that is produced by a brewer or farm brewer. No additional permit is needed. [ABCL §61(2-c)(v)].<sup>4</sup>

---

<sup>3</sup> Effective January 14, 2013.

<sup>4</sup> Effective January 14, 2013.

- A farm distiller may conduct tastings at its licensed premises of New York State labeled cider that is produced by a brewer, farm brewer, winery or farm winery. No additional permit is needed. [ABCL §61(2-c)(vi)].<sup>5</sup>
- A farm distiller may conduct tastings of liquor it produces at a licensed package store. No additional permit is needed. [ABCL §63-a].
- A farm distiller may conduct tastings of liquor it produces at the State Fair, county fairs and farmers markets. [ABCL §61(6)].<sup>6</sup>
- A farm distiller may also conduct tastings of liquor it produces using a supplier/wholesaler marketing tasting permit. Information concerning such permits is provided later in this document.

**By wineries:**

- A winery may conduct tastings of the wine it produces at its own licensed premises (or its satellite stores) without a separate permit. [ABCL §80].
- A winery may conduct tastings of New York State labeled wine at licensed package and wine stores without having to obtain a permit. [ABCL §76(3)(a)].
- A winery may conduct tastings of New York State labeled wine at establishments with licenses to sell wine at retail for on-premises consumption without having to obtain a permit. [ABCL §76(3)(a-1)].
- A winery may obtain a “charitable event” permit to conduct tastings of New York State labeled wine at events sponsored by charitable organizations. [ABCL §76(3)(c)(ii)].
- A winery may obtain a permit to conduct tastings of New York State labeled wine at the State Fair, county fairs and farmers markets.
- A winery may also conduct wine tastings using a supplier/wholesaler marketing permit. Information concerning such permits is provided later in this document.

**By farm wineries:**

- A farm winery can conduct tastings of the wine it produces at its own licensed premises (or its branch offices) without a separate permit. [ABCL §80].
- A farm winery may conduct tastings of New York State labeled wine at licensed package and wine stores without having to obtain a permit. [ABCL §76-a(3)(a)].

---

<sup>5</sup> Effective January 14, 2013.

<sup>6</sup> Effective April 1, 2013

- A farm winery may conduct tastings of New York State labeled wine at establishments with licenses to sell wine at retail for on-premises consumption without having to obtain a permit. [ABCL §76-a(3)(b)].
- A farm winery may obtain a “charitable event” permit to conduct tastings of New York State labeled wine at events sponsored by charitable organizations. [ABCL §76-a(3)(d)(ii)].
- A winery may obtain a permit to conduct tastings of New York State labeled wine at the State Fair, county fairs and farmers markets.
- A farm winery may conduct tastings at its licensed premises (or its branch offices) of New York State labeled liquor that is produced by any distiller or farm distiller. No permit is needed to conduct this tasting. [ABCL §76-a(6)(f)].<sup>7</sup>
- A farm winery may conduct tastings at its licensed premises (or its branch offices) of New York State labeled beer that is produced by a brewer or farm brewer. No additional permit is needed. [ABCL §76-a(6)(g)].<sup>8</sup>
- A farm winery may conduct tastings at its licensed premises (or its branch offices) of New York State labeled cider that is produced by a brewer, farm brewer, winery or another farm winery. No additional permit is needed. [ABCL §76-a(6)(h)].<sup>9</sup>
- A farm winery may also conduct tastings of New York State labeled wine and cider using a supplier/wholesaler marketing permit. Information concerning such permits is provided later in this document.

**By beer wholesalers:**

- The ABCL does not contain any provision that allows a licensed beer wholesaler to conduct beer tastings either at its licensed premises or at any other location. However, a beer wholesaler may conduct beer tastings using a supplier/wholesaler marketing permit. Information concerning such permits is provided later in this document.

**By cider wholesalers:**

- A cider wholesaler may not conduct tastings at its licensed premises.
- A cider wholesaler may conduct tastings of New York State labeled cider at licensed package stores without having to obtain a permit. [ABCL §58(2)(a)].

---

<sup>7</sup> Until January 14, 2013, tastings cannot include New York State labeled liquor produced by farm distillers.

<sup>8</sup> Effective January 14, 2013.

<sup>9</sup> Effective January 14, 2013.

- A cider wholesaler may conduct tastings of New York State labeled cider at licensed restaurants, hotels and catering establishments without having to obtain a permit. [ABCL §58(2)(b)].
- A cider wholesaler that holds a “satellite store” license may also conduct tastings of New York State labeled cider at the satellite store. [ABCL §58(4)].
- A cider wholesaler may obtain a permit to conduct tastings of New York State labeled cider at the State Fair, county fairs and farmers markets. [ABCL §58(3)].
- A cider wholesaler may also conduct cider tastings using a supplier/wholesaler marketing permit. Information concerning such permits is provided later in this document.

**By liquor and wine wholesalers:**

- The ABCL does not contain any provision that allows a liquor wholesaler to conduct liquor tastings at its licensed premises.
- A liquor or wine wholesaler may conduct tastings of the wine it sells at its own licensed premises without a separate permit [ABCL §80].
- A liquor wholesaler may conduct tastings of the liquor it sells at package stores. No permit is needed for the tasting at the package store. [ABCL §63-a]
- A liquor or wine wholesaler may also conduct tastings using a supplier/wholesaler marketing permit. Information concerning such permits is provided later in this document.

**By importers:**

- The ABCL does not contain any provision that allows a liquor or wine importer to conduct tastings. However, a liquor or wine importer may conduct tastings using a supplier/wholesaler marketing permit. Information concerning such permits is provided later in this document.
- A beer importer may obtain a temporary (3 day) or annual brewer tasting permit. Such permit allows the importer to conduct tastings of the beer it produces at: (a) establishments licensed under ABCL §54 or §54-a to sell beer, or beer and wine products at retail for consumption off the premises, such as grocery store or drug store licenses; (b) county fairs; and (c) establishments licensed under ABCL §53 to sell beer at wholesale that may also sell beer at retail for consumption off the premises, also known as “C” licensees. [ABCL §51(8)(a)].
- A beer importer may also conduct tastings of the beer it sells using a supplier/wholesaler marketing permit. Information concerning such permits is provided later in this document.

**By out-of-state manufacturers:**

- The ABCL does not contain any provision that allows an out-of-state liquor or wine manufacturer to conduct tastings. However, an out-of-state liquor or wine manufacturer may conduct tastings using a supplier/wholesaler marketing permit. Information concerning such permits is provided later in this document.
- An out-of-state beer manufacturer may obtain a temporary (3 day) or annual brewer tasting permit. Such permit allows the out-of-state beer manufacturer to conduct tastings of the beer it produces at: (a) establishments licensed under ABCL §54 or §54-a to sell beer, or beer and wine products at retail for consumption off the premises, such as grocery store or drug store licenses; (b) county fairs; and (c) establishments licensed under ABCL §53 to sell beer at wholesale that may also sell beer at retail for consumption off the premises, also known as “C” licensees. [ABCL §51(8)(a)].
- An out-of-state beer manufacturer may also conduct tastings of the beer it sells using a supplier/wholesaler marketing permit. Information concerning such permits is provided later in this document.

**By out-of-state wholesalers:**

- The ABCL does not contain any provision that allows an out-of-state wholesaler to conduct tastings.

**Bottle Sales****By brewers:**

- A brewer may apply for a license to sell beer by the bottle at its licensed premises. [ABCL §52].
- A brewer whose annual production is less than 60,000 barrels may apply for a permit to sell beer by the bottle at the State Fair, county fairs and farmers markets. [ABCL §51(5)].
- A brewer may sell beer it produces by the bottle using a supplier/wholesaler marketing permit. Information concerning such permits is provided later in this document.

**By farm brewers<sup>10</sup>:**

- A farm brewer may sell New York State labeled beer and New York State labeled cider by the bottle at its licensed premises (or its branch offices) that it produces or that is

---

<sup>10</sup> Effective January 14, 2013.

produced by any other farm brewery. No additional license or permit is needed. [ABCL §51-a(2)(e)].

- A farm brewer may sell New York State labeled beer and New York State labeled cider that it produces or that is produced by any other farm brewery by the bottle at the State Fair, county fairs and farmers markets. No additional license or permit is needed. [ABCL §51-a(2)(h)].
- A farm brewer may sell New York State labeled wine by the bottle at its licensed premises (or its branch offices) that is produced by a winery or farm winery. No additional license or permit is needed. [ABCL §51-a(2)(i)].
- A licensed farm brewer may sell New York State labeled liquor by the bottle at its licensed premises (or its branch offices) that is produced by a distiller or farm distiller. No additional license or permit is needed. [ABCL §51-a(2)(j)].
- A farm brewer may obtain a permit to sell New York State labeled beer and New York State labeled cider by the bottle that it produced while conducting a tasting being held pursuant to a permit issued under ABCL §51-a(3)(a). [ABCL §51-a(4)].
- A farm brewer may sell beer by the bottle that it produces using a supplier/wholesaler marketing permit. Information concerning such permits is provided later in this document.

**By cider producers:**

- A cider producer may obtain a permit to sell New York State labeled cider by the bottle during tastings at licensed restaurants, hotels and catering establishments. [ABCL §58(2)(b)].
- A cider producer may not sell by the bottle from its licensed premises. A cider wholesaler that holds a “satellite store” license may sell New York State labeled cider by the bottle at the satellite store. [ABCL §58(4)]
- A cider producer with a permit to conduct tastings at the State Fair, county fairs and farmers markets may sell New York State labeled cider by the bottle at the tasting. [ABCL §58(3)]

**By distillers:**

- The ABCL does not contain any provision that allows a distiller to sell alcoholic beverages by the bottle. However, an importer may sell by the bottle using a supplier/wholesaler marketing permit. Information concerning such permits is provided later in this document.

**By farm distillers:**

- A farm distiller may sell at its licensed premises liquor made primarily from New York State products by the bottle that is produced by the farm distiller. [ABCL §61(2-c)(a)(iii).
- A farm distiller may sell at its licensed premises New York State labeled wine by the bottle that is produced by a winery or farm winery. [ABCL §61(2-c)(a)(vii)].<sup>11</sup>
- A farm distiller may sell New York State labeled beer by the bottle at its licensed premises that is produced by a brewer or farm brewer. [ABCL §61(2-c)(v)].<sup>12</sup>
- A farm distiller may sell New York State labeled cider by the bottle at its licensed premises that is produced by a brewer, farm brewer, winery or farm winery. [ABCL §61(2-c)(vi)].<sup>13</sup>
- A farm distiller may obtain a permit to sell liquor made primarily from New York State by the bottle products at the State Fair, county fairs and farmers markets. [ABCL §61(2-c)(b)(iv)].<sup>14</sup>
- A farm distiller may sell liquor made primarily from New York State by the bottle products using a supplier/wholesaler marketing tasting permit. Information concerning such permits is provided later in this document.

**By wineries:**

- A winery may obtain a license to sell wine by the bottle at its licensed premises. [ABCL §76(10)].
- A winery that holds a “satellite store” license may sell New York State labeled wine by the bottle at the satellite store. [ABCL §76(5)].
- A winery with a “charitable event” tasting permit may sell New York State labeled wine by the bottle at such tastings. [ABCL §76(3)(c)(ii)].
- A winery may obtain a permit to sell New York State labeled wine by the bottle at the State Fair, county fairs and farmers markets. [ABCL §76(7)].
- A winery conducting tastings of New York State labeled wine at establishments with licenses to sell wine at retail for on-premises consumption may obtain a permit to sell such wine by the bottle during the tasting. [ABCL §76(3)(a-1)].

---

<sup>11</sup> Effective January 14, 2013.

<sup>12</sup> Effective January 14, 2013.

<sup>13</sup> Effective January 14, 2013.

<sup>14</sup> Effective April 1, 2013.

- A winery may sell wine it produces by the bottle using a supplier/wholesaler marketing tasting permit. Information concerning such permits is provided later in this document.

**By farm wineries:**

- A farm winery may sell New York State labeled wine and cider by the bottle at its licensed premises (or its branch offices). [ABCL §76-a(2)(e)].
- A farm winery with a “charitable event” tasting permit may sell New York State labeled by the bottle wine at such tastings. [ABCL §76-a(3)(d)(ii)].
- A farm winery may obtain a permit to sell New York State labeled wine by the bottle at the State Fair, county fairs and farmers markets.
- A farm winery conducting tastings of New York State labeled wine at establishments with licenses to sell wine at retail for on-premises consumption may obtain a permit to sell such wine by the bottle during the tasting. [ABCL §76-a(3)(b)].
- A farm winery may sell New York State labeled beer by the bottle at its licensed premises that is produced by a brewer or farm brewer. [ABCL §76-a(6)(g)].<sup>15</sup>
- A farm winery may sell New York State labeled cider by the bottle at its licensed premises (or its branch offices) that is produced by a brewer, farm brewer, winery or farm winery. [ABCL §76-a(6)(h)].<sup>16</sup>
- A farm winery may sell New York State labeled liquor by the bottle at its licensed premises (or one its branch offices) that is produced by a distiller or farm distiller. No additional license or permit is needed. [ABCL §76-a(6)(b)].<sup>17</sup>
- A farm winery may sell wine it produces by the bottle using a supplier/wholesaler marketing tasting permit. Information concerning such permits is provided later in this document.

**By beer wholesalers:**

- Beer wholesale licenses that have been in existence (either by renewal or transfer) since June 30, 1960 (also known as “C” licensees) may sell by the bottle at the licensed premises. No other beer wholesalers may sell by the bottle.

---

<sup>15</sup> Effective January 14, 2013.

<sup>16</sup> Effective January 14, 2013.

<sup>17</sup> Until January 14, 2013, sales by the bottle cannot include New York State labeled liquor produced by farm distillers.

**By cider wholesalers:**

- A cider wholesaler may obtain a permit to sell New York State labeled cider by the bottle during tastings at licensed restaurants, hotels and catering establishments. [ABCL §58(2)(b)].
- A cider wholesaler may not sell by the bottle from its licensed premises. A cider wholesaler that holds a “satellite store” license may sell New York State labeled cider by the bottle at the satellite store. [ABCL §58(4)]
- A cider wholesaler with a permit to conduct tastings at the State Fair, county fairs and farmers markets may sell New York State labeled cider by the bottle at the tasting. [ABCL §58(3)]

**By liquor and wine wholesalers:**

- The ABCL does not contain any provision that allows a liquor or wine wholesaler to sell alcoholic beverages by the bottle at its licensed premises or at any other location.

**By importers:**

- The ABCL does not contain any provision that allows an importer to sell alcoholic beverages by the bottle. However, an importer may sell by the bottle using a supplier/wholesaler marketing permit. Information concerning such permits is provided later in this document.

**By out-of-state manufacturers:**

- The ABCL does not contain any provision that allows an out-of-state manufacturer to sell alcoholic beverages by the bottle. However, an importer may sell by the bottle using a supplier/wholesaler marketing permit. Information concerning such permits is provided later in this document.

**By out-of-state wholesalers:**

- The ABCL does not contain any provision that allows an out-of-state wholesaler to sell alcoholic beverages by the bottle.

**Brand label registration and price posting**

- Except for tastings conducted pursuant to a supplier/wholesaler marketing permit, alcoholic beverages used at a tasting must be brand label approved in accordance with ABCL §107-a.

- Except for tastings conducted pursuant to a supplier/wholesaler marketing permit, liquor and wine offered at a tasting, must be price posted as required by ABCL §101-b.
- Any alcoholic beverage sold by the bottle by a manufacturer, importer or wholesaler must be brand label approved in accordance with ABCL §107-a.
- Any liquor or wine sold by the bottle by a manufacturer, importer or wholesaler must be price posted as required by ABCL §101-b.

### **Removal of product**

- Except for authorized tastings conducted at the licensed premises of the manufacturer or wholesaler, a manufacturer, importer or wholesaler shall remove all remaining product at the conclusion of the event.
- Except with respect to beer tastings as provided for in ABCL §51(8)(f), the manufacturer, importer or wholesaler shall provide all alcoholic beverages used for the samples. In the case of a manufacturer or importer, the alcoholic beverages may come from the inventory of a licensed wholesaler.

### **Supplier/wholesaler marketing permit**

- In addition to the those situations described above where a manufacturer, out-of-state manufacturer, wholesaler or importer can, by statute, conduct tastings, the Authority, pursuant to the provisions of ABCL §80(2), §99-b (1)(k) & §99-d, will issue to manufacturers and importers, as well as wholesalers licensed in this state, permits to hold events to market their products.
- These permits will allow such entities to conduct tastings and provide samples of their products to consumers and, in the case of a manufacturer, out-of-state manufacturer or importer, accept orders from licensed retailers on behalf of a wholesaler licensed in this state who is authorized to sell such product at wholesale.
- These permits will also allow a manufacturer or out-of-state manufacturer to sell their products by the bottle to consumers during tastings conducted pursuant to the permit.
- These permits shall be subject to the following conditions:
  1. Such events may take place at:
    - a. In the case of a licensed wholesaler, at its licensed premises.

- b. An establishment licensed under the ABCL to sell at retail the alcoholic beverage that will be tasted.
  - c. The State Fair, recognized county fairs and farmers markets operated on a not-for-profit basis.
  - d. Outdoor or indoor gatherings, functions, occasions or events sponsored by a bona fide charitable organization. For purposes of this advisory, a bona fide charitable organization shall mean and include any bona fide religious or charitable organization or bona fide educational, fraternal or service organization or bona fide organization of veterans or volunteer firefighters, which by its charter, certificate of incorporation, constitution, or act of the legislature, shall have among its dominant purposes one or more of the lawful purposes as defined in General Municipal Law §186(5).
  - e. Other indoor or outdoor events specifically approved by the Authority. In deciding whether to approve the use of a permit for a particular event, the Authority shall consider the nature and location of the event, and the plan of supervision submitted by the applicant to insure compliance with the ABCL.
2. Notwithstanding the above provisions, a beer wholesaler may only conduct tastings at its own licensed premises.
  3. Applications may be filed for an annual permit or for an individual function.
  4. The fee for an annual permit shall be \$125 plus a \$20 filing fee. An annual permit shall be issued for a three year period, for a total cost of \$395. The fee for an individual function shall be \$20 plus a \$5 filing fee.
  5. An application for an individual function shall be filed at least 15 days before the event.
  6. An entity applying for a permit for an individual function must identify the location of the event in the application.
  7. The holder of an annual permit shall advise the Authority in writing of the date and place of any event being held at a location described in (1)(e) above at least 15 days before the event. The Authority retains the power to disapprove the use of the permit at a particular function for good cause. The location for the event shall

be deemed approved within 7 days unless the Authority notifies the permit holder of its objection.

8. The site of the tasting shall be subject to inspection during the tasting by the Authority.
9. No fee shall be charged by the supplier or wholesaler to a consumer attending or participating in such event.
10. Each sample shall be limited:
  - a. in the case of beer, wine products and cider, to 3 ounces or less;
  - b. in the case of wine, to 2 ounces;
  - c. in the case of liquor, to one-quarter ounce.
11. No tasting or sale by the bottle shall be held during the hours prohibited by the provisions of ABCL §106(5).
12. The permit holder shall comply with all federal and state tax requirements.
13. The permit holder shall provide all alcoholic beverages used for the samples or sales by the bottle. In the case of a supplier, the alcoholic beverages may come from the inventory of a wholesaler at the supplier's expense. The permit holder shall remove all remaining product at the conclusion of the event.
14. Liquor and wine used for tastings do not have to be price posted items. Liquor and wine used for sales by the bottle must be price posted.
15. All alcoholic beverages used at such events shall be in the original containers and must comply with any one of the following:
  - a. the ABCL and the Authority's regulations pertaining to brand label registration; or
  - b. have received a Certificate of Label Approval (COLA) from the Tax and Trade Bureau (TTB); or
  - c. have an exemption from COLA registration issued by TTB.
16. The permit or a duplicate copy thereof shall be displayed at the location where the event shall be held.

17. The permit holder shall keep and maintain adequate books and records, including a log of all events conducted pursuant to the permit, and make such books and records available for inspection by the Authority.
18. The event shall be conducted by the permit holder or an authorized agent of the permit holder. Provided, however, that with respect to beer tastings, a beer wholesaler shall not serve as the authorized agent for another permit holder, nor shall a licensed beer wholesaler be involved in any manner with a beer tasting conducted by another permit holder. Any liability stemming from a right of action resulting from an event conducted under the permit, and in accordance with the provisions of General Obligations Law §11-100 and §11-101, shall accrue to the permit holder.

### **Organizations sponsoring tasting events**

- An organization that does not hold a license to traffic in alcoholic beverages may sponsor an event at which manufacturers, importers and/or wholesalers are conducting tastings.
- However, if that organization charges a fee to those attending the event, the organization must obtain a “special events” permit from the Authority. Charging a fee to persons to sample alcoholic beverages is considered a “sale” and requires the appropriate license or permit.

### **Reporting requirements**

- Except with respect to the use of a supplier/wholesaler marketing permit at certain locations (see above), there is no need to advise the Authority, or obtain the Authority’s approval, of the location for any tasting referenced in this Advisory.