

(Series 1968)
Bulletin #434
May 8, 1968

STATE OF NEW YORK
LIQUOR AUTHORITY

TO: MANUFACTURERS AND WHOLESALERS OF LIQUOR

SUBJECT: BRAND LABEL REGISTRATION APPLICATIONS (LIQUOR)

To properly fulfill its responsibilities under the Alcoholic Beverage Control Law, the Authority must satisfy itself that new items offered for sale in New York State do not circumvent the provisions of the affirmation section of the statute. Therefore, it must be assured that any new items bearing names which are the same or similar to those of established brands, but differing in age, proof or formula, are not designed to provide the basis for such a circumvention.

In the interest of expediting the processing of Brand Label Registration applications it is important that the following should be submitted:

1. Application for registration of Brand Label (Liquor) - Form 652 must be filled out. All questions must be answered and it must be signed by the licensee or an authorized Corporate Officer of the licensee.
2. The label for which the registration is sought must be affixed to the back of Form 652. The label affixed must correspond in all respects to the information set forth on the face of Form 652. If the label is etched on the bottle a photograph will be accepted.
3. The Brand Label Registration application fee by Certified Check, bank check or money order payable to the State Liquor Authority must be submitted with the application.
4. If the applicant is not the owner of the brand name there must be submitted with the application an agency designation on the letterhead of the Brand Owner or on the letterhead of the sole United States Brand Agent. The Brand Owner or the sole United States Brand Agent must affirmatively state in this letter that he is the Brand Owner or sole United States Brand Agent, and that he is appointing the applicant as the Brand Agent in New York State. If there was any previous agency designation, such agency designation must be revoked, setting forth the name of such previous agency designee.
5. A Federal Alcoholic Administration Label Approval must be submitted with the application. This label approval must conform in all respects to the label submitted with the application and the information set forth on the face of the application, except where the label differs from the FAA Label Approval only for the reasons provided in Section 2 of the FAA Certificate of Label Approval Form 1649. If the brand is to be registered as a cordial or liqueur, or as a cocktail or specialty, and it is sought to include various types under the same brand registration, the applicant must certify that on the basis of respective formulas, every type, however labeled, is entitled to the designation "cordial" or "liqueur" under FAA Regulations. If Universal Numeric Code numbers have been assigned to the brand the

numbers should be supplied in the spaces provided.

6. The names of all other items of the same class and type marketed in any other state of the United States or the District of Columbia under the same brand label or a similar brand label must be provided. The same or similar labels shall include all labels which, because of the name or the design of the label, may be regarded by the general public as the same brand even though the proof or formula or age may be different.
7. Where the same or similar brand label is also marketed, the licensee must represent that the other items marketed in New York State under the same or similar brand labels as well as the new brand will be sold in New York State without restriction and in adequate supply on a continuing basis for as long as the items are sold in any other state of the United States or the District of Columbia.

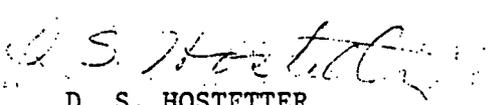
(This applies to applicants applying for transfer of an item as well as those seeking to register a new item).

8. Where such an application is submitted by a retail licensee to register a private brand, the requirements set forth in paragraphs 6 and 7 above are waived. However, the retailer must supply the following information:
 - a. Name and address of New York supplier (licensed wholesaler);
 - b. If the name of the retail licensed premises does not appear on label, an explanation is required;
 - c. If the name of the licensee on label does not agree with application, an explanation is required;
 - d. Application must be filled-out completely (Item #6 on Form 652 will be left blank)

If letters are submitted covering more than one item, copies of same should be supplied for each application.

If all of the above are submitted initially the Authority will be able to validate the brand registration expeditiously. The omission of any of the above will necessarily delay validation of the registration application.

STATE LIQUOR AUTHORITY


D. S. HOSTETTER
Chairman



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL

855 CENTRAL AVENUE
ALBANY, N. Y. 12206

270 BROADWAY
NEW YORK, N. Y. 10007

125 MAIN STREET
BUFFALO, N. Y. 14203

STATE LIQUOR AUTHORITY

IN REPLYING REFER TO

October 7, 1968

To: MANUFACTURERS AND WHOLESALEERS OF LIQUOR AND WINE

Subject: CONTAINERS AND PACKAGING - CONTEMPLATED CHANGES IN BULLETIN 343

The Authority contemplates revision of its Bulletin #343 on Containers and Packaging. Pending formal changes, the industry is herewith advised that use of ornamental containers for liquor and wine will be permitted subject to the following conditions:

1. The container may have no secondary use other than of a decorative nature. Accordingly, clocks, music boxes or similar specialties may not be utilized as a part of or complement to such containers.
2. A separate brand label registration application must be filed and approved for each liquor or wine item unless it is offered for sale at the same price in a glass bottle.
3. The brand agent or brand owner seeking to register such an item must conform to Bulletin #434 (Brand Label Registration Applications - Liquor) in submitting the application.
4. Where the price at which a liquor item will be offered is based partly on the extra cost of the ornamental container, and the same or similar item is sold elsewhere in the United States in glass containers, the brand must also be offered in glass to the New York market. Full explanation on this point, as required by Bulletin #434 (Brand Labels) must accompany the application.

Brand agents or owners who are posting ornamental types of containers or decanters on liquor or wine price schedules under the same registration number as is utilized for glass bottles, but at higher prices, are placed on notice that effective March 1, 1969, separate brand label registration approvals will be required.

The word "ornamental" as used herein, is intended to cover containers of crockery, ceramic material, crystal, and decanters of any type, but not of tin or other metal.

The Authority will review applications recently disapproved on the basis of objections to the container. Those falling within the guidelines set forth above will be reconsidered.

All manufacturers and wholesalers are hereby advised that when Bulletin 343 is revised it will apply equally to liquor, wine, cordials, liqueurs and specialties.

Attached is a copy of Bulletin 434 (Brand Label Registration Applications - Liquor).

Very truly yours,

D.S. Hostetter
Chairman