New York State
Division of Alcoholic Beverage Control
State Liquor Authority

BULLETIN NO. 583

EFFECTIVE: NOVEMBER 1, 1999

To: **Distillers and Liquor Wholesalers; Wineries and Wine Wholesalers**

Subject: **Sealed pre-wrapped combination packages of different kinds of scheduled alcoholic beverages**

Sealed pre-wrapped combination packages of an individual bottle of a scheduled alcoholic beverage and other merchandise

Sealed pre-wrapped packages which combine different scheduled alcoholic beverage products are allowed, with certain limitations.

A licensed distiller or liquor wholesaler who is the exclusive brand owner[1] of more than one brand of liquor and/or wine may combine two or more containers[2] of different brands which he exclusively owns into a single sealed pre-wrapped combination package, subject to the limitations set forth below.

A licensed winery or wine wholesaler who is the exclusive brand owner[1] of more than one brand of wine may combine two or more containers of different brands which he exclusively owns into a single combination package, subject to the limitations set forth below. References to liquor in the discussion which follows are inapplicable to licensed wineries and wine wholesalers.

Permissible Types of Sealed Pre-Wrapped Combination Packages

Only three types of sealed pre-wrapped combination packages are permissible:

1. a sealed pre-wrapped combination package which includes only containers of liquor and/or wine.

2. a sealed pre-wrapped combination package which contains only one bottle of liquor or wine together with other non-potable and non-edible merchandise reasonably used in connection with the preparation, storage or service of liquor or wine.

   Prior approval by the Authority's Director of Wholesale Services must be obtained before a sealed pre-wrapped combination package containing non-potable and non-edible merchandise may be posted as an item on the required schedules. A request for approval must be submitted on an Application for Registration of Standard Brand Labeling (Form 652 09/93). The brand owner must write "Supplemental" on the form and submit a color copy of the combination package. No fee is required.

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[1] A brand owner who is not licensed by the Authority may designate an appropriately licensed wholesaler to act as his exclusive brand agent for the purpose of filing the required schedules. The licensed wholesaler thus designated as brand agent must be a true agent of the brand owner, and the licensed wholesaler acting as agent may not pay the brand owner for the right to exercise control over the brand. Where the brand owner or the brand owner's exclusive agent does not register the brand, the brand must be registered, and schedules must be filed, by one of the persons listed in ABCL §107-a.4(b).

[2] A container of liquor or wine is, in most cases, an individual bottle. Because an individual container of wine may be a box, as well as a bottle, the term container is used in order to include both a bottle and an individual box. Illustrative examples in this bulletin which use the word "bottle" apply with equal force to an individual box of wine.

3. Applicable to sparkling wine only: It is permissible to post as an item a sealed pre-wrapped combination package which contains only one container of sparkling wine together with one sample of a confection, pastry, or biscuit, which sample has no greater net weight than three ounces. Please note: The provisions of this paragraph expire on January 31, 2000. Commencing on January 31, 2000, no sealed pre-wrapped combination package containing one bottle of sparkling wine and one three-ounce sample of a confection, pastry, or biscuit may be posted as an item on a schedule or sold.

Price Posting of Sealed Pre-wrapped Combination Packages

A sealed pre-wrapped combination package containing one or more bottles of liquor and/or one or more bottles of wine must be posted as an item on the schedule of prices to wholesalers, and must be posted as an item on the schedule of prices to retailers. Before a sealed pre-wrapped combination package can be entered as an item on any schedule, the following conditions must be met:

1. The sealed pre-wrapped combination package must contain only brands of liquor and/or wine which have been registered or authorized in accordance with the provisions of ABCL §107-a. Where a label has been issued a brand label registration number, that number must be set forth in the schedule listing pertaining to such sealed pre-wrapped combination package.

2. Each bottle contained in such sealed pre-wrapped combination package must be separately available to retailers in accordance with the bottle and case price posted in the schedule.

3. The scheduled item price which is posted for a sealed pre-wrapped combination package which includes only containers of liquor and/or wine must be no greater than the sum of the individual bottle prices for each bottle contained in the sealed pre-wrapped combination package. No charge may be imposed for the packaging itself by any distiller, winery, wholesaler or retailer selling or offering for sale any combination package.

4. The scheduled item price which is posted for a sealed pre-wrapped combination package which contains only one bottle of liquor or wine together with other non-potable and non-edible merchandise reasonably used in connection with the preparation, storage or service of liquor or wine may include an upcharge for the non-potable and non-edible merchandise.

5. The scheduled item price which is posted for a sealed pre-wrapped combination package which contains only one container of sparkling wine together with one sample of a confection, pastry, or biscuit, which sample has no greater net weight than three ounces, may include an upcharge for the confection, pastry, or biscuit sample.

6. An item price for a case of sealed pre-wrapped combination packages may be posted only if the total number of packages required to be purchased to obtain the case price would result in the purchase of a full case of each item contained in the sealed pre-wrapped combination package.

7. Where one or more bottles of liquor are packaged with one or more bottles of wine in a sealed pre-wrapped combination package, the item price for the sealed pre-wrapped combination package must be listed on both the schedules of liquor prices and the schedules of wine prices.