



New York
State Liquor Authority

MEMORANDUM

Office of Counsel

TO: File

FROM: Paul S. Karamanol, Senior Attorney

SUBJECT: SLA Rule 65.5 (9 NYCRR 65.5)

DATE: February 2, 2012

§ 65.5 Prices to wholesalers

(a) The prices of liquor to wholesalers must be scheduled by the following methods for designated points of shipment. If the brand owner or brand agent ships from more than one point-of-shipment to any wholesaler anywhere in any State of the United States or in the District of Columbia, or to any state (or state agency) then the points-of-shipment most economical to the New York wholesaler must be scheduled.

(1) F.O.B. United States of America point-of-shipment designated which shall include Federal customs duties, internal revenue taxes, New York State excise taxes and all charges up to the point-of-shipment designated.

(2) F.O.B. United States of America point-of-shipment designated which shall include all Federal customs duties, internal revenue taxes and all charges up to the point-of-shipment designated if sales to any wholesaler in any other state, or to any state (or state agency) are made on this basis.

(3) In bond f.o.b. United States of America point-of-shipment designated if sales to any wholesaler in any other state, or to any state (or state agency) are made on this basis.

(4) In bond f.o.b. foreign point-of-shipment designated (direct import) if sales to any wholesaler in any other state, or to any state (or state agency) are made on this basis.

(5) F.O.B. foreign point-of-shipment designated which shall include all Federal customs duties, internal revenue taxes and all charges up to the point-of-shipment designated if sales to any wholesaler in any other State, or to any state (or state agency) are made on this basis.

(b) Liquor prices to wholesalers may not be scheduled by any other method unless it is first established to the satisfaction of the Authority that the bottle and case prices under the alternate method are not higher than the lowest prices at which the brand will be sold to any wholesaler anywhere in any other state of the United States or in the District of Columbia, or to any state (or state agency).

(c) Where any schedule of liquor prices to wholesalers reflects a reduction or increase in the bottle or case price filed pursuant to subdivision (a)(1) of this section for any item set forth therein from the bottle or case price of such item theretofore in effect, then the schedules of liquor prices to retailers shall reflect, in the event of a decrease at least a like reduction in *per centum* in the bottle and case price of such item set forth therein, and in the event of an increase, not more than a like increase in *per centum* in the bottle and case price of such item set forth therein.

(d) The prices of wine to wholesalers may be scheduled by the following methods:

(1) F.O.B. United States of America point-of-shipment designated which shall include all Federal customs duties, internal revenue taxes, New York State excise taxes and all charges up to the point-of-shipment designated.

(2) F.O.B. United States of America point-of-shipment designated which shall include all federal customs duties, internal revenue taxes and all charges up to the point-of-shipment designated.

(3) In bond f.o.b. United States of America point-of-shipment designated.

To: File
From: Paul S. Karamanol, Senior Attorney
Subject: SLA Rule 65.5 (9 NYCRR 65.5)

Date: February 2, 2012

Page 2

- (4) In bond f.o.b. foreign point-of-shipment designated (direct import).
 - (5) F.O.B. foreign point-of-shipment which shall include all federal customs duties, internal revenue taxes and all charges up to the point-of-shipment designated.
 - (6) A price which shall include federal customs duties, internal revenue taxes, State excise taxes and cost of delivery to the wholesaler. No charge shall be made in addition thereto except where the manufacturer or wholesaler lists in his schedule of wine prices to wholesalers the counties in which no charge for delivery will be made, in which event the actual cost of delivery in all other counties shall be charged to the wholesalers in addition to the price set forth on the schedule.
 - (7) A price which shall conform to the same terms and conditions set forth in method number (6) above except exclusive of federal customs duties, internal revenue taxes and State excise taxes.
 - (8) A price which shall conform to the same terms and conditions set forth in method number (6) above except exclusive of State excise taxes.
- (e) Wine prices to wholesalers may not be scheduled by any other method except with the approval of the Authority first obtained.

<These Rules and Regulations are arranged and numbered pursuant to Title 9, Subtitle B of the Official Compilation of Codes, Rules and Regulations of the State of New York, published by the Department of State.>