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**To: Wine Manufacturers located within New York State**  
**Subject: Direct Shipment of Wine to New York State Resident Customers for Personal Use and Not for Resale**

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Chapters 210<sup>1</sup> and 184<sup>2</sup> of the Laws of 2005 make a number of changes to the New York State Alcoholic Beverage Control Law (“ABCL” or “ABC Law”). The changes made by Chapters 210 and 184 go into effect on August 11, 2005.<sup>3</sup> Among these changes is the addition of a new section 79-d to the ABC Law.

The newly added ABCL § 79-d imposes new requirements on New York wine manufacturers in connection with the direct retail sale and shipment of wine to New York resident customers for personal use and not for resale.

- Quantity Limits. A New York State wine manufacturer may ship no more than 36 cases (no more than nine liters per case) of wine per year directly to a New York resident of legal age.
- Representations from Prospective Purchaser. A New York State wine manufacturer must require the prospective New York purchaser to represent his or her age as 21 years or more, and to represent that the wine being purchased is for personal use and not for resale.
- Labeling of Shipments. Shipping containers used to deliver wine to New York residents must be conspicuously labeled with the words:

**CONTAINS WINE  
FOR PERSONAL USE AND NOT FOR RESALE  
SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY  
DELIVERY TO AN INTOXICATED PERSON IS FORBIDDEN BY LAW**

- Delivery Limitations. A New York State wine manufacturer must require the common carrier delivering the wine (i) to verify the identity and age of the recipient by means of photographic identification, (ii) to obtain the signature of the recipient on an “acknowledgment of receipt” form approved by the Authority,<sup>4</sup> and (iii) to refuse delivery where the prospective recipient unreasonably refuses to present proof of age.
- Report of Direct Sales. Annually, the New York State wine manufacturer will submit to the New York State Liquor Authority, in a manner and in a form directed by the State Liquor Authority, a

**WINE MANUFACTURER’S REPORT  
OF ALL WINE PRODUCED BY THE MANUFACTURER  
THAT WAS DIRECTLY SOLD AND SHIPPED TO NEW YORK STATE RESIDENT CUSTOMERS  
FOR PERSONAL USE AND NOT FOR RESALE**

Parts 1 and 2 of the foregoing “**WINE MANUFACTURER’S REPORT**” are available on links in the Direct Shipment area of the Authority’s website.

The text of the new ABCL § 79-d is set forth in Chapter 184 of the Laws of 2005, which is also available in the Direct Shipment area of the Authority’s website.

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<sup>1</sup> Chapter 210 of the Laws of 2005 came into existence on July 12, 2005, when Assembly Bill 7379-C was signed into law.

<sup>2</sup> Chapter 184 of the Laws of 2005 also came into existence on July 12, 2005, when Senate Bill 5925 was signed into law. Senate Bill 5925 amends the text of Assembly Bill 7379-C.

<sup>3</sup> Section 11 of Assembly Bill 7379-C originally directed that the provisions of Assembly Bill 7379-C should go into effect on the one hundred twentieth day after it shall have become a law. Senate Bill 5925 amended section 11 of Assembly Bill 7379-C to direct that its provisions should go into effect on the thirtieth day after it shall have become law. The thirtieth day after July 12, 2005 is August 11, 2005.

<sup>4</sup> A link to an Advisory directed to Common Carriers, and a link to a format “Acknowledgement of Receipt of a Wine Delivery” for use by Common Carriers are found in the Direct Shipment area of the Authority’s web site.