One-Time-Use Tamper-Proof Transparent Wine Bags

This advisory is to be read in conjunction with State Liquor Authority Bulletin No. 588, which bulletin is found on the Authority’s web site.  
http://abc.state.ny.us/announcements/bulletin588.pdf

A restaurant licensee may permit a patron, following the consumption of a full course meal, to remove from the licensed restaurant establishment one partially consumed bottle of wine purchased in connection with the meal, a portion of which bottle of wine was actually consumed during the meal.

One of the conditions which must be met by the restaurant licensee involves the use of a one-time-use tamper-proof transparent bag.

Before a restaurant licensee may permit a partially consumed bottle of wine to leave the restaurant, the restaurant licensee or an agent of the restaurant licensee must:

• securely reseal the bottle of wine,

• place the resealed bottle in a one-time-use tamper-proof transparent bag, and

• securely seal the bag.

The one-time-use tamper-proof transparent bag must insure that the patron cannot gain access to the bottle while in transit after the bag is sealed.

Restaurant licensees have asked what types of bags may be used, and the procedures for the use of such bags.

Any clear plastic bag may be used, so long as the manner in which the bag is sealed prevents the bag from being opened and then resealed.

For example, the resealed partially consumed bottle of wine may be placed in a large clear plastic food storage bag. The opening of the bag may then be securely sealed across the entire length of the bag’s opening with a series of staples placed immediately next to each other. Clear tape may then be placed over the staples in order to prevent injury to the patron’s hands, or damage to the patron’s clothes or car. This procedure makes the bag “tamper-proof” because the bag cannot be opened without tearing the bag.

Alternatively, the resealed partially consumed bottle of wine may be placed in a large clear plastic food storage bag, the opening of which is sealed along its entire length with a special tape which immediately forms a chemical bond to the plastic of the bag. Such tape cannot be removed without tearing the bag, which makes the bag tamper-proof.

Restaurant licensees may also elect to purchase specialty bags having a flap with a pre-glued area which can be exposed by the removal of a protective strip when the bag is ready for sealing. The glue must be of a kind which immediately forms a chemical bond to the plastic of the bag, so that the bag cannot be opened without tearing it.
As a general rule, evidence bags used by law enforcement agencies are tamper proof.

The restaurant licensee should personally evaluate a sample of any specialty bag whose use is contemplated as a wine bag to make sure that the bag meets the statutory requirements.

Sample bags from the following persons have been informally reviewed by the Office of Counsel and have been found to be in conformity with the statutory requirements. This finding of acceptability does not constitute a formal determination by the Members of the State Liquor Authority, and is not to be construed as an endorsement.

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