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## ABOUT THE DIGEST



**The Digest of Wine and Spirits Law** is a compilation and condensation of statutes, regulations, and administrative decisions from all states governing the sales and marketing of wine and distilled spirits. It is a user-friendly reference guide to the information you need to conduct business as a producer or importer in the wine and spirits industry. It has been specifically designed to eliminate the problem of spending hours searching for the statutes and regulations relevant to your situation. It is available in print and online versions. The online version allows the subscriber to access desired information by subject or by state. The print version comes in a four-binder set.

Digest subscribers represent all aspects of the alcoholic beverage industry, from wineries, distilleries, and importers to attorneys, trade associations, and industry consultants. Anyone who needs to navigate the regulations of selling and marketing wine and distilled spirits will be benefitted by a subscription to this versatile service.

### What The Digest Covers

Here are some of the resources you'll find in The Digest:

**State Digests** - A separate Digest has been prepared for every state and the District of Columbia. States that have both state-controlled business and private-sector business (through wholesalers) are further divided into two Digests — a "Control" Digest and an "Open" Digest (for example, Oregon Control and Oregon Open). Similarly, states that conduct only state-controlled business are labeled as a "Control" Digest (for example, New Hampshire Control).

The individual state Digests cover a wealth of practical information, beginning with contact data for each applicable regulatory agency — the mailing, street, and website address(es), as well as phone and fax number(s). Each state Digest is organized in a standardized, easy-to-follow format. Its information is divided into seventeen major sections and numerous subsections (which can vary by state). Refer to the "Outline of State Digest Information" below for an explanation of these primary divisions.

Legal citations are included with the relevant text, not in a separate footnote or listing. These references enable you or your legal counsel to locate the necessary statutory or regulatory data quickly and easily when you want to review the regulatory sources in their entirety.

**Table of Compliance Requirements** (Abstract of Legal Requirements) - A table providing "at a glance" summary information on each state's licensing, bonding, price posting, brand registration requirements—and more—for suppliers selling through the wholesale channel in each state.

**Control States** - A listing of all "control" states, with an explanation of what commodities are covered and how business is conducted in each particular state that operates a control system.

**Direct Shipments of Alcoholic Beverages** (to Consumers and/or Retail Licensees) - A state-by-state compilation of information on shipping alcoholic beverages direct to residents and/or retail licensees in the listed states. Qualifications for licensing, protocols for shipping, tax returns and reports to be submitted, and all legal requirements are covered in detail. A few states permit the direct shipment of distilled spirits and/or malt beverages in addition to wine. This listing also includes available information on felony prosecutions and penalties for those states that do not permit direct shipments to consumers.

**Excise Tax Table** - A table showing current data on excise tax rates for the federal government and each state for wine and distilled spirits. Additional rates for cider and beer are found in the respective State Digests.

**Federal Law and Regulations** - Selected sections of the law, or Code of Federal Regulations (CFR), are reprinted in their entirety (except as otherwise noted) and included for ease of reference.

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✓✓ Denotes change from previous version.

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**Sunday Sales** - A listing of where alcoholic beverages may be sold on Sunday and the hours during which they may be sold.

**Glossary** - A quick reference defining commonly used terms and industry acronyms.

### ***Outline of State Digest Information***

Each State Digest is arranged into these standard categories:

- I. Contact**  
State government contact data, including mail and electronic address(es) as well as phone and fax numbers and website URL address.
- II. Licenses**  
Requirements for applicable licenses or permits for the business as well as its sales people.
- III. Label/Product Registration**  
Registration of brand labels and submission of product samples for approval.
- IV. Pricing**  
Requirements covering price postings and quotations, notification, and product listings, including any special invoicing needs.
- V. Size Restrictions**  
State regulations, if any, on product container sizes.
- VI. Promotional Allowances Offered to Wholesalers or Control State Agencies**  
Types of permissible allowances, with any applicable regulatory guidelines.
- VII. Excise Tax Rates**  
Current excise tax rates are listed by product tax class. Malt beverage and cider tax rates are also listed in many cases. Examples of mark-up systems are provided for control states.
- VIII. Monthly Reporting Requirements**  
Monthly reports required of out-of-state suppliers by state government agencies.
- IX. Credit to Wholesalers - Restrictions On**  
All applicable state compliance information.
- X. Franchise Laws/Wholesaler Registration Requirements**  
Synopsis of all state statutes and regulations governing a supplier's relationships with wholesalers.
- XI. Tied House Restrictions**  
Synopsis of applicable regulations covering relationships between suppliers and retailers, and between wholesalers and retailers.
- XII. Primary Source Requirements**  
Any requirements mandating the purchase of alcoholic beverages from the primary source of supply.
- XIII. At Rest Law**  
Information on shipping products into a state and whether or not goods first must come "to rest" at a specified location, e.g., a wholesaler's warehouse, before reshipment to retailers.
- XIV. Direct Shipments to Consumers**  
Conditions under which direct shipments may be made to consumers and/or retail licensees, if permitted.
- XV. Trade Practice Activities**  
Information covering the following trade practice activities with retailers and/or consumers:
  - A. Point of Sale Material (Product Displays, Dealer Loaders & Miscellaneous Information)**
    - 1. Displays
    - 2. Dealer Loaders

- B. Consumer Promotions - Mail-In Refund Offers
- C. Consumer Promotions - Cents-Off Coupons Redeemable by Retailer Licensees (IRCs)
- D. Consumer Promotions - Merchandise Offers (Self-Liquidators)
- E. Consumer Promotions - Sweepstakes
- F. Consumer Promotions - Contests
- G. Product Donations to Charitable &/or Non-Profit Organizations
- H. Product Samples - To Retail Licensees
- I. Product Samples - Consumer Tasting/Sampling
- J. Wine Lists/Drink Lists/Table Tents
  - 1. Wine Lists
  - 2. Drink Lists
  - 3. Table Tents
- K. Shelf-Stocking Activities
- L. Advertising Specialties/Novelties
  - 1. Retailer
  - 2. Consumer
- M. Combination Packages (On-Packs, Gift Packs, etc.)
- N. Entertainment of Retail Licensees
- O. Glassware Sales to Retail Licensees
- P. Equipment - Sales to Retail Licensees

**XVI. Advertising**

- A. Advertising - Signs Inside Licensed Premises
- B. Advertising - Signs Outside Licensed Premises
- C. Advertising - Radio
- D. Advertising - Television
- E. Advertising - Other Media
- F. Advertising - Cooperative
- G. Advertising - Direct Mail to Consumers
- H. Advertising - Use of Inflatables
- I. Advertising - Billboard
- J. Advertising - Miscellaneous Advertising-Related Information
- K. Advertising - Cross-Promotion of Alcoholic Beverages of Different Classes

**XVII. Miscellaneous**

Any other pertinent information not covered in the preceding categories, such as happy hour restrictions, Sunday sales, container deposit requirements, case code label requirements, sponsorships, on-premise promotional activities, etc.

## ***How the Digest is Updated***

Once each quarter (four times per year), the relevant sections of ***The Digest of Wine and Spirits Law*** are updated to reflect any changes announced during the previous three-month period. Each updated Digest is clearly marked with a revision date, and all changed sections are denoted by checkmarks (“✓✓”) in the margin.

If you are a paper subscriber, simply remove the old Digest and substitute the new copy. Online subscribers don't need to do anything.

The accompanying Digest Update Letter and Quarterly Update Summary briefly summarize the changes by itemizing all the affected major categories of information.

## ***Subscription options***

### **The Online Version**

The online version is the best way to experience The Digest and take advantage of its wealth of knowledge. The online version allows subscribers to instantly create multi-state reports for every section in the State Digests, as well as more focused reports on specific topics within three sections: Trade Practices, Advertising, and Miscellaneous (which includes subjects regulated by some but not all states, such as Sunday sales, growlers, private labels, schematics, etc.).

To see a demonstration of the online version, go to The Digest's home page at [www.wineandspiritslaw.com](http://www.wineandspiritslaw.com), and click the “Demo” link.

Please note: a new website is under construction and is expected to be available in the summer of 2019. Watch for announcements.

### **The Printed Version**

For Digest subscribers who also want a copy of The Digest in printed form, a paper version organized into four 3-ring binders is available for an additional annual fee.