

ABOUT THE DIGEST

The Digest of Wine & Spirits Law is a compilation and condensation of statutes, regulations, and administrative decisions governing the sales and marketing of wine and distilled spirits in all states. 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.

Digest Contents

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

State Digests - A separate Digest for every state and the District of Columbia. States that have both state-controlled distribution and private-sector distribution (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 distribution 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. 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). A list of the topics covered is provided below.

Legal citations are included with the relevant text. These references enable you or your legal counsel to locate the necessary statutory or regulatory sources quickly and easily when you want to review them in their entirety.

Requirements by State - Tables providing “at a glance” summary information on each state’s requirements. One table is provided for Suppliers selling through the wholesale channel and includes licensing, bond, and sales license requirements, as well as label registration, price posting, monopoly protection, and reporting. The other table is for companies shipping Direct to Consumer and includes licensing, bond, and tax registration requirements as well as sales and excise tax reporting, label registration, wine of own production, and shipping limits.

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

Direct Shipments to Consumers and/or Retailers - A state-by-state compilation of information on shipping alcoholic beverages direct to residents and/or retail licensees. 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, as well as information on delivery by retailers and personal importation of alcoholic beverages.

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 and Code of Federal Regulations (CFR), are reprinted in their entirety (except as otherwise noted) and included for ease of reference.

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

Each State Digest is arranged into these standard categories:

1. **Contact** - State government contact data, including mail and electronic address(es) as well as phone and fax numbers and website URL address.
2. **Supplier Licenses** - Requirements for applicable licenses or permits for the business as well as its sales representatives.
3. **Label/Product Registration for Suppliers** - Registration of brand labels and submission of product samples for approval.
4. **Pricing** - Requirements covering price postings and quotations, notification, and product listings, including any special invoicing needs.
5. **Size Restrictions** - State regulations, if any, on product container sizes.
6. **Promotional Allowances Offered to Wholesalers or Control State Agencies** - Types of permissible allowances, with any applicable regulatory guidelines.
7. **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.
8. **Reporting Requirements for Suppliers** - Monthly reports required of out-of-state suppliers by state government agencies.
9. **Credit to Licensees** - All applicable state compliance information.
10. **Franchise Laws/Wholesaler Registration Requirements** - Synopses of all state statutes and regulations governing a supplier's relationships with wholesalers.
11. **Tied House Restrictions** - Synopses of applicable regulations covering relationships between suppliers and retailers, and between wholesalers and retailers.
12. **Primary Source Requirements** - Any requirements mandating the purchase of alcoholic beverages from the primary source of supply.
13. **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.
14. **Direct Shipments to Consumers and/or Retailers** - Conditions under which direct shipments may be made to consumers and/or retail licensees, if permitted.
15. **Trade Practice Activities** – Requirements and restrictions on the following trade practice activities with retailers and/or consumers:
 - 15.1 Displays, Dealer Loaders, POS Materials
 - 15.2 Mail-In Refund Offers
 - 15.3 Coupons Redeemable by Retailers
 - 15.4 Consumer Merchandise Offers (Self-Liquidators)
 - 15.5 Consumer Sweepstakes

- 15.6 Consumer Contests
- 15.7 Product Donations to Charities and Non-Profits
- 15.8 Sampling/Promotional Activities for Retailers
- 15.9 Sampling/Promotional Activities for Consumers
- 15.10 Trade Shows, Conventions, or Trade Associations – Participation In
- 15.11 Services to Retailers/Shelf Stocking Activities
- 15.12 Wine Lists/Drink Lists/Table Tents
- 15.13 Advertising Specialties/Novelties
- 15.14 Glassware – Sales to Retailers
- 15.15 Equipment – Sales to Retailers
- 15.16 Commercial Bribery: Incentives to Retailers and Their Employees
- 15.17 Combination Packages (On-Packs, Gift Packs, etc.)
- 15.18 Loyalty Programs Offered to Consumers
- 16. Advertising** – Information on allowable types of advertising
 - 16.1 Signs Inside Licensed Premises
 - 16.2 Signs Outside Licensed Premises
 - 16.3 Radio Advertising
 - 16.4 Television Advertising
 - 16.5 Advertising in Other Media
 - 16.6 Cooperative Advertising
 - 16.7 Direct Mail to Consumers
 - 16.8 Use of Inflatables
 - 16.9 Billboard Advertising
 - 16.10 Sponsorship/Stadiums/Arenas
 - 16.11 Cross-Promotion of Beverages of Different Classes
 - 16.12 Miscellaneous Advertising-Related Information
- 17. Miscellaneous** – Important topics that do not fall in any of the other primary categories
 - 17.1 Sunday Sales
 - 17.2 Happy Hour Restrictions
 - 17.3 Private Labels
 - 17.4 Product Returns
 - 17.5 Distilled Spirits Infusions
 - 17.6 Growlers

How the Digest is Updated

Sections of The Digest of Wine & Spirits Law are updated to reflect any changes announced. The online version will be updated after each change has been researched and verified, and subscribers will receive notifications when updated information is available. A list of recent updates is easily accessible on the website's home page.

Subscribers with print copies will receive updates four times a year. Updated pages will be provided by mail or PDF's will be emailed, depending on the subscriber's selected option, and the subscriber replaces their old pages with the new versions in their binders. Print subscribers will receive a Digest

Update Letter and a Quarterly Update Summary that will 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 topics.

To see a demonstration of the online version, go to The Digest's home page at www.wineandspiritslaw.com, and click "See the Demo".

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. Print subscribers have the option of receiving their updated pages by PDF or by US mail.



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