

ABOUT THE DIGEST

The Digest of Wine and Spirits Law is an essential compliance reference that helps industry professionals keep up with changes to laws and regulations affecting our industry. The Digest supports professionals in 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 requirements for selling and marketing wine and distilled spirits will be benefitted by a subscription to this versatile resource.

Website features

The Digest website offers many useful features which allow subscribers to view information in various ways and stay informed and up to date as changes are made.

Searches: The information in the State Digests can be searched either by state or by topic. For example, if information is needed on distributor relationships in few states, select the Franchise Laws topic and the states needed and run a report. If a new market is being contemplated, select the state and run the report.

Reports: Reports generate quickly and can be viewed on screen or saved as a PDF for printing or saving for later review.

List of recent updates: The home page of The Digest site provides a link to a list of the recent updates. When subscribers are logged in, this list has live links allowing one-click access to updated topics.

Compare: When a topic has been updated, click on the update date for a marked up version showing the recent additions and/or deletions.

Notifications: Subscribers can opt-in for email notifications about updates to The Digest. Emails are short compilations of recent changes and are sent 2-4 times each month.

State Digests

The State Digests are the heart of The Digest of Wine and Spirits Law.

The Digest's regulatory content is divided into separate Digests 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. Every State Digest is organized in a standardized, easy-to-follow format. Its information is divided into seventeen major topics and numerous subtopics (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.

List of topics covered:

1. **Contact** - State government contact data, including mail and electronic address(es) as well as phone and fax numbers, website URL address(es), and links to official versions of statutes and regulations for further research.

2. **Supplier Licenses** - Requirements for applicable licenses or permits for the business as well as its sales representatives. (DTC licensing is covered in Topic 14.)
3. **Label/Product Registration for Suppliers** – Product approval requirements and details on container deposit labeling, if any.
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 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** - Shipment 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** - Synopsis of state statutes and regulations governing a supplier's relationships with wholesalers.
11. **Tied House Restrictions** - Synopsis of applicable regulations covering relationships between suppliers and retailers, and between wholesalers and retailers.
12. **Primary Source Requirements** - 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 must first 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** – Outlines the conditions under which direct shipments may be made to consumers and/or retail licensees, if permitted. Includes information on licenses, requirements and restrictions, delivery by retailers, and personal importation limits.
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 in the following categories:

- 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
- 17.7 COVID-19 Regulatory Relief

Additional resources

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

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.

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 requirements, 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.

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 and included for your convenience.

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

How the Digest is Updated

The Digest of Wine & Spirits Law is constantly being updated to reflect any changes announced. The online version is updated after each change has been researched and verified, and every topic shows the date it was last updated. A list of recent updates is easily accessible on the website’s home page.

Subscribers with print copies receive updates four times a year. Printed copies of updated pages are delivered by US mail, or PDF’s of the updated Digests are emailed, at the subscriber’s option. Subscribers with print copies replace their old pages in their binders with the new versions they receive. Print subscribers also receive a Digest Update Letter and a Quarterly Update Summary that summarizes the sections being updated.

Subscription information

Subscribers receive full access to The Digest website for a year, and subscriptions renew annually. Subscribers have an online profile where they can manage their subscription and keep their contact information current. Subscriptions are specific to the user and may not be shared. Multi-user discounts are available to companies who wish to give additional staff members online access to The Digest. Please contact us to add users or inquire about the discounts available to your company.

Digest subscribers also have the option of adding a paper version of The Digest. The paper version, organized into four 3-ring binders, is available for an additional annual fee. As noted above, print subscribers have the option of receiving their updated pages by email in PDF format or by US mail as printed pages.

For current pricing, please visit the website and select the Subscribe link.

Contact the Digest Team to request a live screenshare demonstration of the Digest. To view a video demonstration of the online version, go to the website, and follow the “See the Demo” Link.

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