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Department of Alcoholic Beverage Control

CIRCULAR LETTER 98-2

TO; EACH VIRGINIA FARM WINERY

SUBJECT: THIRD PARTY WINE FESTIVALS; USE OF UNDERAGE BUYER PROGRAM

PURPOSE: The purpose of this letter is to address issues pertaining to farm winery remote license privileges at wine festivals. Additionally, this letter is intended to advise the license community as to the use of the Underage Buyer Program at wine festivals.

BACKGROUND: There has been concern expressed regarding issues associated to the issuance of farm winery remote licenses in a number of situations. Most notably, the issuance of multiple remote licenses in a festival environment, as it relates to public intoxication and sales to underage persons, as well as the issuance of remote licenses on a retail premise.

HELD: Multiple farm winery remote licenses will only be issued in those instances where there exists a banquet license or when the event is being held on the premises of a winery and the event is being sponsored by the host winery. An example of an entity that would qualify for a banquet license is a bona fide and duly organized group that possesses an IRS 501 (c)(3) tax-exempt status. This eliminates the likelihood that a third party would be able to unlawfully profit from the issuance of the winery remote licenses.

Additionally, as the farm winery remote is essentially an extension of the retail privilege afforded the farm winery licensee, the Department of ABC will incorporate events where there are farm winery remote licenses present into its Underage Buyer Program. The purpose of the Underage Buyer Program is to verify the rate of licensees that do and do not sell to underage persons.

It is important to emphasize that the compliance check is conducted at the point of service of alcoholic beverages by utilizing persons that are under 21 years of age, that appear their actual age and use their actual identification. If participating in a festival where identification is checked at the point of entrance to the festival grounds, it is imperative that you and your employees be cognizant of the physical appearance of all patrons and if there is any doubt, verify the age of the patron by checking their identification.

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Consistent with the Underage Buyer Program, any person that may sell or serve to an underage person will be issued a summons to appear In court for the sale or service of alcoholic beverages to an underage person. Please be diligent in the age verification of your patrons.

INQUIRIES: Any questions or concerns should be directed to SAC Shawn P. Walker, Compliance Unit, P.O. BOX 27491, Richmond, Virginia, 23261.

W. Curtis Coleburn, III
Judicial, Policy and Legislative Director