



# COMMONWEALTH of VIRGINIA

## *Department of Alcoholic Beverage Control*

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### **CIRCULAR LETTER 07-08**

**TO:** All Beer and Wine Wholesalers and Manufacturers and their authorized representatives  
All Retail Licensees

A handwritten signature in cursive script, appearing to read "Francis J. Monahan".

**FROM:** Francis J. Monahan  
Director, Bureau of Law Enforcement

**SUBJECT:** Clarification for Tastings of Alcoholic Beverages conducted on Retail Premises

**DATE:** December 15, 2007

It has recently come to the attention of the Department of Alcoholic Beverage Control that there is some confusion in the marketplace regarding what conduct is allowed by wholesalers, manufacturers and their authorized representatives conducting or participating in tasting events in retail accounts. In order to assist licensees in understanding these regulations, be guided by the following if you are planning to conduct such an event. This information is divided by license type and lists what is **PERMITTED** during the event:

#### I. RETAILER SPONSORED TASTINGS

##### A. Gourmet Shop Licensees

- Retailer can sponsor a tasting event and provide retailer-owned samples to customers for on-premise consumption;
- Wholesale employees or their representatives may participate in education, discussion of the product and pouring of the alcoholic beverage to customers;
- Manufacturer employees or representatives may not participate;
- Retail employee must monitor the event and be within close proximity as the event is the responsibility of the retailer.

##### B. All Other Off-Premise licenses:

- There is no provision in the law to allow for these events in licensed establishments that possess off-premise licenses such as beer off, wine and beer off, etc. unless the establishment has an "on- & off-premises license," then see the rules for "On-Premises and On and Off Premises Retail Licensees" in Section C below.

### C. On Premises and On and Off Premises Licensees

- Any establishment licensed as an on-premises beer, on-premises wine and beer licensee, on and off premises wine and beer licensee or mixed beverage licensee can give a sample of the type of alcohol for which it is licensed to sell for on-premises consumption.
- Wine samples are limited to two ounces, beer to four ounces, and distilled spirits to one-half ounce. No more than two product samples may be given to any person per visit. Retail employees must conduct the service of these beverages. There is no permissible role in these tasting events for wholesalers or their third party representatives.
- If such an on-premises or on and off premises licensee wishes to sponsor tasting events in which manufacturers participate, then the following additional conditions apply:
  - The event must be in a designated area of the retail premises;
  - It must be conducted for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted;
  - The products tasted must be confined to wine and beer;
  - The licensee's privileges include the privilege of selling the samples as well as giving them.

### II. WHOLESALER AND MANUFACTURER SPONSORED TASTING EVENTS.

- Manufacturers, wholesalers, and their authorized representatives holding ABC permits may conduct on-premises tastings of wine, beer, or spirits within hotels, restaurants, and clubs licensed for on-premises consumption.. Employees of manufacturers and wholesalers or their authorized representatives must be present while an event under their sponsorship is being conducted. All alcoholic beverages must be purchased from the retailer. No more than \$100, exclusive of tax and a gratuity of no more than 20%, may be spent by any such manufacturer or wholesaler or their authorized representatives at any retail premises within a 24-hour period. Retail employees must conduct the serving of these beverages. No more than 12 ounces of beer, 5 ounces of wine, or 1 ½ ounces of spirits (no single sample of spirits shall exceed ½ ounce) may be offered to any one patron.
- Manufacturers, wholesalers and their authorized representatives are required to keep records for each event for a period of at least two years. These records must include: (i) the date and place of each event; and (ii) the dollar amount spent by the manufacturer, wholesaler or authorized representative to purchase alcoholic beverages used in the event. Manufacturers and wholesalers are liable for any violation of the law by their employees or their authorized representatives.

If you need additional clarification regarding this circular, please do not hesitate to contact your agent, the regional office where the event is scheduled or Deputy Director Shawn Walker at 804.213.4569.