

Virginia Alcoholic Beverage Control Authority

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Circular Letter  
22-01

- To:** Collectors of designer or vintage bottles containing distilled spirits
- Subject:** Definitions for the words “designer” and “vintage” as they are used within the context of 3 VAC 5-70-230 of the Virginia Administrative Code.
- Purpose:** The purpose of this Circular Letter is to provide guidance to Collectors of designer or vintage bottles containing distilled spirits regarding the Virginia Alcoholic Beverage Control Authority’s (“VA ABC” or “Authority”) definition of the words “designer” and “vintage” for the purpose of complying with the provisions of 3 VAC 5-70-230 of the Virginia Administrative Code.
- Background:** Section 3 VAC 5-70-230 of the Virginia Administrative Code became effective as of May 19, 2007. The provisions of that regulation permit collectors of designer or vintage bottles containing spirits to sell the bottles at auction under the following conditions:
1. The seller shall notify the secretary to the board of the date, time, and place of the auction sale.
  2. Any bottle sold must be unopened and the manufacturer's seals, marks, or stamps affixed to the bottles must be intact.
  3. The auction must be conducted in accordance with the provisions of Chapter 6 (§ 54.1-600 et seq.) of Title 54.1 of the Code of Virginia.
  4. Any purchaser at such auction must be a minimum of 21 years of age.
  5. For two years from the date of sale, the auctioneer must keep records, available to the board upon request, of the name and address of each purchaser and a description of the alcoholic beverages purchased.

Although the Authority has relied on longstanding internal interpretations of the words “designer” and “vintage” since the regulation became effective, recently, the lack of a definition within the regulation has been the subject of debate between the Authority and



collectors/auctioneers. As such, the Authority deemed it necessary and beneficial to provide some guidance to stakeholders regarding the Authority's interpretation of these terms.

**Held:** Effective immediately, the words "designer" and "vintage" in the context of 3 VAC 5-70-230 shall mean:

**Designer:** a bottle of spirits manufactured specifically as a departure from the manufacturer's standard trademark, design, or packaging; originally sold in limited quantities; and with a retail value in excess of five hundred dollars (\$500.00). Each bottle shall be accompanied by the manufacturer's certificate of designer status.

**Vintage:** a bottle of spirits wherein the product therein has been bottled for at least twenty (20) years or has not been sold by the brand owner for a minimum of ten (10) years.

In either instance the bottle must be:

1. The original manufacturer's unopened bottle;
2. Not owned by a distillery nor shall the sale be conducted on behalf of a distillery, manufacturer, or wholesaler; and
3. Not otherwise available for purchase from VA ABC.

Should you have questions regarding the provisions of this Circular Letter, please contact the Special Agent in Charge located at your regional ABC office.

