

BULLETIN

VIRGINIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

FARM WINERY REMOTE-FESTIVALS

The information contained in this licensee bulletin is a summary of the Board's regulations and those sections of Virginia State Code that pertain to Farm Winery Remote Licensees at Festivals.

It is recommended that all Farm Winery employees become familiar with this information. For purposes of this bulletin, the following definitions apply:

Third Party Promoters: Any person or entity that organizes an event (wine festival) either on behalf of the host winery or qualified organization that does not possess an ABC license in Virginia.

Wine Festival: An event open to the public that is organized for the purpose of showcasing, selling and serving Virginia wines.

DETERMINING LEGAL AGE OF PURCHASER:

- Licensees are responsible for ensuring that persons purchasing, possessing, or consuming wine are at least 21 years of age.
- If you have **any** doubt that a person may be less than 21 years of age, request identification.
- Acceptable identification includes a valid Driver's License, DMV Identification Card, United States Passport or Foreign Government Visa, and identification issued by any other Federal or State government agency, **excluding** student college or university identification cards.
- Identification must contain a photograph, signature, height, weight, and date of birth.
- It is the responsibility of the person selling or serving to request and scrutinize identification. Identification which is altered, counterfeit, expired, or someone else's is not valid identification. If a festival has a system for checking ID, including hand stamping or wearing wristbands, the person selling or serving is still responsible for determining the age of the purchaser.

INTOXICATED PATRONS:

- Do not sell wine to an intoxicated person and do not allow consumption of wine by an intoxicated person.
- It is the responsibility of the licensees and their employees to make sure patrons that become intoxicated are not served any additional wine. Some of the warning signs for identifying intoxicated persons include impaired vision or speech, lack of concentration, lack of coordination, red or watery eyes, overly loud or quiet, and disorientation.

ON SITE REQUIREMENTS:

- Farm Winery Remote authorization letter must be displayed to the public.
- ABC manager must be present on location at all times.
- ABC manager's name must be posted and displayed to the public.
- ABC manager must be at least 21 years of age.
- Employees serving wine for on premises consumption must be at least 18 years of age.
- No more than two remote locations throughout the state are authorized at any one time.

- Free samples of wine may not be given away at any time.

THIRD PARTY PROMOTERS WITH A BANQUET SPECIAL EVENT LICENSE:

- The promoter must obtain a banquet special event license for wine sold for on premises consumption. In order to qualify for the banquet special event license, the promoter or event organizer must be a duly organized non-profit organization as defined by the Internal Revenue Service.
- Special event licensee may appoint an agent/contractor, and/or agent/subcontractor to collect monies for admissions, which include wine samples, and to organize and conduct a special event (festival) under the control of the event licensee and within the special event requirements contained herein.
- The wine sold for on premises consumption under the banquet special event license must be from the farm winery's wholesale division.
- At the conclusion of the event, the farm winery must issue the banquet special event licensee a wine distributors invoice listing all wine sampled at normal wholesale prices to the banquet special event licensee. Reasonable pre-event limits on quantity of wine to be sampled may be set if mutually agreed upon by special event licensee and participating wineries. This practice is consistent with that of any retail licensee. Any organization that fails to remit payment of these invoices face possible sanctions for future events they may wish to conduct. Farm winery employees may assist the banquet special event licensee with wine pouring.
- Farm winery remotes are restricted to off premises sales if they are in the same area which is covered by the banquet special event license.

THIRD PARTY PROMOTERS WITHOUT A BANQUET SPECIAL EVENT LICENSE:

- Each farm winery will apply for a remote at a designated location assigned to it.
- All wine sold for on premises consumption must be consumed in the space assigned to the winery.
- Promoters are not permitted to collect monies for admission to this type event if those admission fees include wine samples. Conducting this type of transaction constitutes a sale of alcohol without a license, thus making it contrary to Virginia law.

SINGLE FARM WINERY EVENTS:

- The farm winery applies for a remote and describes the well defined area where wine sold for on premises consumption will be consumed, and where off premises sales will be sold.

FESTIVALS ON THE PREMISES OF A FARM WINERY:

- Each farm winery is responsible for all sales made by them. The host farm winery is responsible for all common areas.

Should you have any questions on the subjects covered by this bulletin or on matters relating to the operation under a farm winery license, you are encouraged to contact a member of the Board's Compliance Section. Furthermore, members of the Compliance Section are available to coordinate and conduct training for your staff on any ABC related matter.