

Jim Shpall Applejack Wine & Spirits Comment Topic:

Off-Premise Tastings

The intent of this comment is to address and modify the current laws regarding off-premise tastings. Tastings provide consumers with the opportunity to sample alcohol beverages before they decide which items to purchase. Tastings also can introduce consumers to new items that they have never experienced before and may decide to purchase. Therefore, tastings are an effective tool for consumer choice and allow producers of products and retailers the opportunity introduce products to consumers who are making purchasing decisions.

1. Product(s) being tasted must come from the off-premise retail licensee's existing inventory. A manufacturer or supplier may supply the product to be tasted so long as the manufacturer or supplier purchases said products from the retailer at the retailer's regular posted price.
2. All containers opened for a tasting must be removed from the licensed premises after the tasting(s) are completed or access to the open product shall be restricted from public access or separated from items available for sale on the sales floor. If a container is opened for a tasting, employees may be tasted on the product(s) for educational purposes, or the product may be used for future tastings. If product purchased by the manufacturer or supplier for a tasting remains after all tastings have been completed, the opened and unused product shall be returned to the manufacturer or supplier who purchased the product used for the tasting.
3. Off-premise retailers will be allowed to taste product(s) of the retailer's choosing, subject to restrictions as to serving size of any one sample and overall total amounts of all products that are tasted. The total amount of alcohol products to be sampled as a tasting shall be limited to, regardless of the number of items being tasted, not more than four ounces of malt liquor, four ounces of vinous liquor and not more than two ounces of spiritous liquor per customer per day. (NOTE: these are the same total amounts allowed under the current law.) However, the per sample size of a specified tasted product cannot exceed one ounce for malt liquors, one ounce for vinous liquors and one half of one ounce for spiritous liquors per sample. For example, if one is tasting a specific malt liquor each sample tasted cannot exceed one ounce; if the consumer is tasting 6 different samples of malt liquor the total of those six samples cannot exceed four ounces.
4. Proper identification must be provided by the customer to ensure that all individuals tasted are 21 years of age or older. No one who is visibly intoxicated may participate in the tasting.
5. Expand the daily time frame in which tastings can be conducted in the State from the current 11:00 AM to 9:00 PM to 10:00 AM to 9 PM (this is only one hour earlier than the current statute). Allow tastings to occur on all days when the off-premise retailer in the State is open. Customers come into stores 365 days a year. The consumer should be allowed to taste products, subject to the restrictions, when they are shopping, regardless of the day.
6. Local licensing authorities may, at the local licensing authorities' reasonable discretion, require a retail licensee to apply for or otherwise renew a tasting permit not more than once every year along with the license renewal.