

STATE OF NEW YORK  
EXECUTIVE DEPARTMENT  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL

**TO: Manufacturers & Wholesalers of Liquor & Wine**  
**SUBJECT: RETURN OF ALCOHOLIC BEVERAGES**

Bulletin #251 (reissued October 17th, 1963) which refers to RETURNS of Alcoholic Beverages is amended, so that:

- (a) All requests for the approval of the return of liquor or wine shall be filed at the Zone I office of the Liquor Authority.
- (b) The paragraph which makes provision for corrections within seven days of the date of delivery is changed to cover corrections made within fourteen days of the date of delivery.

The complete, revised text of Bulletin #251 follows.

The following bulletins all of which deal with the return of alcoholic beverages pursuant to Rule 16 are hereby rescinded: Bulletins 117, 118 and 185 issued under dates of August 30, 1944, October 9, 1944 and July 11, 1949, respectively.

Effective immediately, the revised procedures hereinafter outlined shall apply to all returns of liquor and wine. These procedures incorporate revisions, particularly with respect to returns based on exchanges and errors, designed to simplify and reduce the burden of paperwork entailed in manufacturers and wholesalers accepting and recording returns of alcoholic beverages.

RULE

Subdivision 9 of Rule 16 of the Rules of the Liquor Authority provides as follows:

- "No merchandise shall be accepted for return from a retailer except:
- (a) pursuant to a court order, or
  - (b) with approval by the Liquor Authority, for good cause shown."

GENERAL RESTRICTIONS ON RETURNS

Henceforth, no manufacturer or wholesaler shall accept the return of any liquor or wine from a retailer, except pursuant to a court order, unless the approval of the Liquor Authority has first been obtained. This ruling applies to returns for quality, error or any other reason.

NO REQUEST FOR THE ACCEPTANCE OF THE RETURN OF ANY BRAND OR TYPE OF LIQUOR OR WINE, EXCEPT FOR ERROR IN DELIVERY, WILL BE APPROVED UNLESS THE MANUFACTURER OR WHOLESALER WILL ACCEPT THE RETURN OF THE SAME BRAND AND TYPE OF LIQUOR OR WINE FROM EACH OF HIS RETAIL ACCOUNTS WHO WISHES TO RETURN THE SAME.

No manufacturer or wholesaler shall accept the return of any brand of liquor or wine from a retailer, after approval by the Liquor Authority, until such manufacturer or wholesaler has mailed to each of his retail accounts the notice herein prescribed and has filed a copy thereof with an affidavit of mailing with the Zone Office of the Liquor Authority.

\* RETURN FOR REASONS OTHER THAN ERROR

Requests for approval of the return of liquor or wine from a retailer to a manufacturer or wholesaler shall be filed by the manufacturer or wholesaler with the Zone I Office of the Liquor Authority at New York City. Such request must be submitted in affidavit form in duplicate, executed by the licensee or a duly authorized employee, and sworn to before a Notary Public. Such affidavit shall contain the following information:

1. The full name and title of the person executing the affidavit, and the name, address and license number of the manufacturer or wholesaler by whom the request is made.
2. The name, address and license number of the retailer who has requested the manufacturer or wholesaler to accept the return of the liquor or wine.
3. The brand name and type of liquor or wine, and the quantity involved in the return.
4. The date when the liquor or wine was sold to the retailer, and the quantity involved in the sale.
5. The price per bottle or case which the retailer was charged for the particular brand and type of liquor or wine, and the amount per bottle or case which will be credited to him upon the return of the merchandise.
6. The reasons why the retailer wishes to return the liquor or wine.
7. A statement that the manufacturer or wholesaler will accept the return of the particular brand and type of liquor or wine from each of his retail accounts who wishes to return the same, and that he will so notify each of his retail accounts in writing, upon approval of the request by the Liquor Authority. If approval is granted, he will not accept the return of such merchandise until he has mailed the notice herein prescribed to each of his retail accounts, and until a copy thereof with an affidavit of mailing has been filed with the zone office of the Liquor Authority.

(over)

July 19, 1965

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\* RETURNS FOR ERROR IN SALE OR DELIVERY

Where a manufacturer or wholesaler has made an error in a sale or in a delivery to a retailer, such error may be corrected without notice or application to the Authority provided that such correction is made within fourteen days of the date of delivery and within the same calendar month. No error in delivery, billing or of any other nature shall be corrected except by full conformance with the order as originally placed by the retailer.

Where a manufacturer or wholesaler does not make the correction within the time set forth above, or is unable to comply with the provisions of the preceding paragraph, an affidavit must be filed with the Liquor Authority setting forth the information required in paragraphs 1 - 6 inclusive, above enumerated, and in addition, the following information:

1. The date on which the retailer notified the wholesaler or manufacturer that an error was made in the delivery of such merchandise.
2. An explanation by the manufacturer or wholesaler for the erroneous shipment.
3. An explanation for the delay in making the request for the approval of the return.

EXCHANGES

The foregoing instructions relative to returns are applicable to all returns of liquor and wine, including returns for purposes of exchange. However, the following modifications have been permitted with respect to exchanges:

1. Where a manufacturer or wholesaler wishes to exchange liquor or wine in the same quantity, brand, type, size of container and proof for liquor or wine which is to be returned by the retailer, such manufacturer or wholesaler may make such exchange without notice of application to the Authority provided that he makes similar exchanges for all retailers who request them.
2. Such transactions must be recorded on the books and records of the manufacturer or wholesaler by the issuance of a credit memorandum for the return which should show the quantity, brand, type, size of container and proof, date of original purchase and original invoice number, together with an invoice for the alcoholic beverages delivered in exchange, which invoice shall show the credit memorandum number issued for the return.

Failure to comply with any of the conditions hereof shall be deemed a discriminatory practice in violation of Section 101-b of the Alcoholic Beverage Control Law.

STATE LIQUOR AUTHORITY



D. S. HOSTETTER  
Chairman