

STATE OF NEW YORK  
LIQUOR AUTHORITY

TO: MANUFACTURERS AND WHOLESALERS OF LIQUOR AND WINE

SUBJECT: CONTAINERS AND PACKAGING  
(Supersedes Bulletin No. 343 issued August 11, 1961  
and reissued October 17, 1963.)

Sections 61, 63, 77 and 104 of the Alcoholic Beverage Control Law prohibit licensees from engaging in any other business on the licensed premises. Section 101 of the Alcoholic Beverage Control Law and Rule 11 of the Rules of the State Liquor Authority relate to the gifts and services and advertising specialties which manufacturers and wholesalers may give to retailers. To effectuate the foregoing provisions, and the price scheduling portions of Section 101-b as well as to prevent circumvention of the affirmation law where applicable, the following shall take effect March 1, 1969:

A. CONTAINERS OF LIQUOR AND WINE

1. No container shall be permitted which has any secondary value or after-use, except of an ornamental or decorative nature.
2. No object, item or thing having any secondary value or after-use shall be attached to the container, or to the stopper of the container or incorporated in or used as part of the stopper of the container except that a jigger cap or other similar closure shall be permissible. Clocks, music boxes, cigarette lighters, or similar contrivances may not be utilized as part of or as a complement to containers.
3. A stopper accompanying a decanter type container which is used to replace the original closure is not prohibited if in conformance with paragraph 2 above.
4. Photographs of ornamental containers together with a statement of cost must be submitted by the brand owner or brand agent to the Authority for approval before distribution in New York State.
5. Rule 16 provides that only one price may be listed for an item in the price schedule. With respect to liquor items, (including brandies, cocktails and specialties, as apart from cordials, liqueurs and wines), there may be no price differential for the same item in different styles of containers; and in addition to an ordinary non-decorative container, no more than one style of ornamental container may be scheduled under the same registration. However, the brand owner or brand agent may file separate brand label registration applications for the same item in different ornamental containers, in which event each separately registered item may be price scheduled at a different price. Bulletin No. 434 is applicable to such registrations.
6. If an item, other than a wine, which bears the same or a similar brand label, is sold in non-ornamental bottles in any other State or the

8871 24. 12  
District of Columbia, no registration application relating to use of an ornamental bottle will be approved unless the item is also offered in New York in a non-ornamental bottle. The terms "same or a similar brand label" shall cover any labels which, because of the name or the design of the label, may be regarded by the general public as the same brand, even though the proof, formula or age may be different.

7. In regard to cordials, liqueurs and wines, different types of the same brand, as well as different styles of containers, may be scheduled under the same registration as in the past. However, where a registration for a brand of cordials or liqueurs has been approved, there may be no sale of a new type nor use of a new ornamental container, until a supplementary application has been submitted and approved. The wholesaler must comply with the provisions of Bulletin #434 except that no additional fee will be required.
8. The word "ornamental" as used herein, is intended to cover containers of crockery, ceramic material, crystal, and decanters of any type. Any container of tin or other metal is prohibited.

#### B. PACKAGING

1. Manufacturers and Wholesalers may pack their containers of alcoholic beverages in cardboard, paper or wooden boxes.
2. Baskets, boxes or packages having a value to the consumer distinct from their value as packages for alcoholic beverages may not be used to pack containers of alcoholic beverages and may not be furnished, given or sold to retailers by manufacturers or wholesalers.
3. Nothing hereinabove set forth shall be construed as excluding the use of paper, canvas, cloth, straw, simulated leather and plastics as wrapping material for the container, provided that such wrapping material complies with Rule 11 and has no secondary value or use aside from its use as a wrapping for alcoholic beverages.
4. Cardboard or paper boxes for use in packing containers of alcoholic beverages may be furnished, given or sold to retailers by manufacturers and wholesalers apart from the cases in which containers of alcoholic beverages were originally packed subject to the following conditions:

Manufacturers and wholesalers may purchase cardboard or paper containers and furnish them to the retailer at the time of sale and may furnish empty cardboard or paper containers to retailers in a quantity not to exceed an amount required for the number of bottles of such brands that the retailer has in inventory, provided;

- a. The cost of the cardboard and paper containers of one quart or less is limited to not more than 30¢ per single container and 60¢ for containers of more than one. For containers larger than one quart the cost is limited to not more than 60¢.

- b. The cardboard or paper containers will be submitted to the Industrial Services Section at the New York Office of the State Liquor Authority for prior approval.

All Manufacturers and Wholesalers of alcoholic beverages in this State are hereby cautioned that any violation of the directives contained in the above bulletin will subject their licenses to action by the Authority.

STATE LIQUOR AUTHORITY



D. S. Hostetter  
Chairman