

STATE OF NEW YORK

LIQUOR AUTHORITY

TO: WHOLESALE BEER LICENSEES

SUBJECT: SALE OF NON-ALCOHOLIC BEVERAGES

Section 104.1 of the Alcoholic Beverage Control Law and the Authority's Rule 29 have been amended so that, in addition to selling non-alcoholic carbonated beverages, beer wholesalers may also sell non-alcoholic non-carbonated soft drinks, mineral waters, spring waters, drinking water, non-taxable malt or cereal beverages, juice drinks, liquid beverage mixes and dry or frozen beverage mixes, on the licensed premises.

The Rule prohibits the sale of milk, milk products, tomato juice, orange juice, any whole fruit juice, or any other beverage or product not specifically enumerated in the Rule.

Rule 29 (also known as Part 88) now reads:

SALE OF NON-ALCOHOLIC BEVERAGES BY BEER WHOLESALERS

1. NON-ALCOHOLIC BEVERAGES DEFINED

Within the context of this Part, "non-alcoholic beverages" means the beverages and products specifically enumerated in Section 2 (a and b) following.

2. SALE OF NON-ALCOHOLIC BEVERAGES.

No wholesale beer licensee shall be engaged in any other business on the licensed premises, except as follows:

- (a) Wholesale beer licensees may manufacture, bottle, store, or sell non-alcoholic carbonated beverages.
- (b) Wholesale beer licensees may manufacture, store or sell non-alcoholic non-carbonated soft drinks, mineral waters, spring waters, drinking water, non-taxable malt or cereal beverages, juice drinks, liquid beverage mixes and dry or frozen beverage mixes on the licensed premises.

3. SPECIFIC BEVERAGES PROHIBITED

No wholesale beer licensee shall bottle, store or sell milk, milk products, tomato juice, orange juice, any whole fruit juice, or any other beverage or product not specifically enumerated in Section 2 (a and b) of this Part.

4. BOOKS AND RECORDS

- (a) Alcoholic beverages and non-alcoholic beverages. Each licensee shall maintain on the licensed premises adequate books and records of all transactions pertaining to alcoholic beverages as required by Section 104 of the Alcoholic Beverage Control Law and the Rules or

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- (a) Regulations of the Authority, and, in addition, shall also maintain an accounts receivable ledger which, at all times, shall reflect the actual status of all accounts to whom non-alcoholic beverages are sold. Such ledger may be combined with the alcoholic beverages ledger provided that separate columns are provided therein for data relative to alcoholic beverages and non-alcoholic beverages.
- (b) Separate invoices. Separate order blanks and invoices shall be utilized in connection with sales of non-alcoholic beverages and no such order or sale shall be incorporated on any order blank or invoice for alcoholic beverages.
- (c) Cash sales. Receipts from sales of alcoholic beverages and sales of non-alcoholic beverages shall be separately registered.

5. INSPECTION

The books and records required by Section 4 shall be maintained for a period of at least two years and shall be available for inspection by any authorized representative of the Authority.

6. INTERMINGLING OF OPERATIONS

Nothing hereinabove contained shall be construed as prohibiting the use of a common loading platform for both alcoholic and non-alcoholic beverages; or as precluding the trucking of both such beverages on a common truck; or the solicitation of orders for both types of beverages by an employee of a wholesale beer licensee who has been issued an appropriate solicitor's permit by the Authority.

STATE LIQUOR AUTHORITY



MICHAEL ROTH
CHAIRMAN