

## BULLETIN

(Series 1997)  
Bulletin #581  
April 2, 1997

TO: All Liquor and Wine Manufacturers and  
Wholesalers

SUBJECT: GIFTS & SERVICES

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Section 101, subdivision (1) (c) of the Alcoholic Beverage Control Law provides that:

"It shall be unlawful for a manufacturer or wholesaler licensed under this chapter to . . ."

"Make any gift or render any service of any kind whatsoever, directly or indirectly, to any person licensed under this chapter which in the judgment of the liquor authority may tend to influence such licensee to purchase the product of such manufacturer or wholesaler. . ."

The Authority's Rule 11 (9 NYCRR PART 86) describes the types of services and things of value which the Liquor Authority has determined that manufacturers or wholesalers may furnish to retail licensees.

Subdivision 1 of Rule 11 (9 NYCRR 86.1) provides:

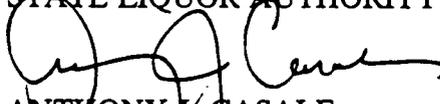
**NO MANUFACTURER OR WHOLESALER SHALL, DIRECTLY OR INDIRECTLY, GIVE ANY ARTICLE OR THING OF VALUE, OR RENDER ANY SERVICE OF ANY KIND, TO ANY RETAILER, EXCEPT AS PERMITTED BY THIS PART. NO RETAIL LICENSEE SHALL ACCEPT ANY SUCH GIFT OR SERVICE OF ANY KIND WHATSOEVER, EXCEPT AS PERMITTED BY THIS PART.**

The Authority has received information that liquor and wine wholesalers and retailers have required solicitors to meet trucks on delivery dates, help unload the truck, price bottles, fill shelves, cold boxes and displays and stack remaining merchandise in the storage area of the store. In some cases, solicitors have been required to perform these tasks on a daily basis, sometimes well into the evening.

Be advised that it is currently a violation of law for the wholesaler or the retailer to require that solicitors perform these services and it is also a violation of law for the solicitors to perform these services.

Be further advised that the Authority takes these violations very seriously and that such conduct may result in the commencement of a disciplinary proceeding which may culminate in the imposition of a civil penalty and/or the suspension, cancellation or revocation of the license or permit.

All Wholesalers are expected to provide a copy of this bulletin to all of their solicitors and their essential employees.

STATE LIQUOR AUTHORITY  
  
ANTHONY V. CASALE  
CHAIRMAN