

STATE OF NEW YORK
EXECUTIVE DEPARTMENT

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

TO: INDUSTRY MEMBERS

- SUBJECTS: 1. DUMMY DISPLAY BOTTLES — Rule 11, subd. 1.
2. "SEALED CONTAINER" OF LIQUOR OR WINE DEFINED
3. SALE OF WAREHOUSE RECEIPTS
4. SALVAGE OF METAL CAPS AND CLOSURES — Rule 93 11/19/42
5. PAPER CUPS DISTRIBUTED BY RETAILERS
6. FILLING ORDERS TAKEN BY "MISSIONARY MEN"

1. DUMMY DISPLAY BOTTLES

RULE 11, SERVICES AND GIFTS TO RETAILERS WAS AMENDED BY ADDING A NEW PARAGRAPH 2 (c), TO READ AS FOLLOWS:

"2 (c). DUMMY DISPLAY BOTTLES. DUMMY DISPLAY BOTTLES OF LIQUOR OR WINE MAY BE FURNISHED, GIVEN OR SOLD TO ON-PREMISES RETAIL LIQUOR OR WINE LICENSEES PROVIDED EACH SUCH BOTTLE DOES NOT EXCEED ONE GALLON IN SIZE, AND FURTHER PROVIDED THAT IN THE CASE OF LIQUOR, EACH BOTTLE SHALL HAVE A HOLE BORED IN THE BOTTOM THEREOF. DUMMY DISPLAY BOTTLES OF WINE ONLY MAY BE FURNISHED, GIVEN OR SOLD TO OFF-PREMISES LIQUOR OR WINE LICENSEES, PROVIDED EACH SUCH BOTTLE DOES NOT EXCEED ONE GALLON IN SIZE."

2. "SEALED CONTAINER" OF LIQUOR OR WINE DEFINED

THE LAW PROVIDES THAT WHOLESALERS AND RETAILERS SHALL NOT KEEP UPON THE LICENSED PREMISES ANY LIQUOR OR WINE EXCEPT IN THE ORIGINAL SEALED CONTAINERS. THE "ORIGINAL SEALED CONTAINER" MEANS THAT THE OPENING OF THE CONTAINERS SHALL HAVE AFFIXED THERETO A SEAL, BAND OR OTHER MATERIAL WHICH MUST BE TORN OR BROKEN TO REMOVE THE CONTENTS, AND SUCH SEAL, BAND OR MATERIAL MUST BE SO AFFIXED THAT UPON OPENING THE CONTAINER, SOME PORTION THEREOF SHALL REMAIN ATTACHED TO THE CONTAINER TO INDICATE THAT IT WAS SEALED WHEN SHIPPED BY THE MANUFACTURER. PACKAGES WHICH ARE NOT SEALED IN ACCORDANCE WITH THE FOREGOING REQUIREMENTS MAY NOT BE KEPT ON THE LICENSED PREMISES.

3. SALE OF WAREHOUSE RECEIPTS

RULE 14 GOVERNING WAREHOUSE RECEIPTS HAS BEEN AMENDED BY ADDING A NEW SUBDIVISION TO READ AS FOLLOWS:

"11. No LICENSEE SHALL SELL, OFFER FOR SALE, AGREE TO SELL, OR PURCHASE IN THIS STATE ANY LIQUOR DESCRIBED AND IDENTIFIED BY WAREHOUSE RECEIPTS UNLESS SUCH RECEIPTS HAVE SET FORTH THEREON THE NAME OF THE LICENSEE WHO HAS PURCHASED THE SAID LIQUOR AND HAS LEGAL TITLE TO THE SAME, IRRESPECTIVE OF WHETHER SUCH WAREHOUSE RECEIPTS HAVE BEEN PLEDGED, HYPOTHEGATED OR DEPOSITED AS COLLAT-

ERAL SECURITY FOR ANY LOAN OR UPON ANY OTHER CONDITION. A VIOLATION OF THIS SUBDIVISION SHALL BE DEEMED CAUSE FOR THE REVOCATION, CANCELLATION OR SUSPENSION OF THE LICENSE OR PERMIT HELD BY THE PERSONS INVOLVED."

4. SALVAGE OF METAL CAPS AND CLOSURES

IN FURTHERANCE OF OUR NATION'S CAMPAIGN TO CONSERVE ESSENTIAL MATERIALS, MANUFACTURERS AND WHOLESALERS OF ALCOHOLIC BEVERAGES ARE AUTHORIZED TO INSTITUTE A PLAN FOR THE SALVAGE OF METAL CAPS AND CLOSURES AFFIXED TO CONTAINERS OF ALCOHOLIC BEVERAGES, THROUGH THE MEDIUM OF RETAIL OUTLETS, ON THE FOLLOWING CONDITIONS:

1. THAT PARTICIPATION IN THE PLAN BY RETAILERS AND CONSUMERS IS PURELY VOLUNTARY. CONSUMERS MUST NOT BE COMPELLED TO RETURN THE CAPS AT THE TIME OF PURCHASE OR REQUIRED TO RETURN A CAP TO PURCHASE ANOTHER CONTAINER.
2. THAT NO CONSIDERATION OF ANY KIND WILL BE PAID BY THE MANUFACTURER OR WHOLESALE TO THE RETAILER FOR HIS SERVICES IN CONNECTION WITH THE PLAN, OR THE CAPS WHICH HE RETURNS.
3. THAT NO CONSIDERATION OF ANY KIND WILL BE PAID BY THE MANUFACTURER OR WHOLESALE OR THE RETAILER TO THE CONSUMER FOR THE CAPS WHICH ARE RETURNED.

SHOULD ANY ABUSES ARISE IN CONNECTION WITH A PLAN FOR THE SALVAGE OF SUCH CAPS, THE AUTHORIZATION WILL BE RESCINDED.

5. DISTRIBUTION OF PAPER CUPS BY RETAILERS

RETAIL OFF-PREMISES LIQUOR OR WINE LICENSEES ARE PROHIBITED FROM FURNISHING OR DISTRIBUTING PAPER CUPS TO THEIR CUSTOMERS. THE FURNISHING OR DISTRIBUTING OF PAPER CUPS BY SUCH LICENSEES IS CONTRARY TO THE TERMS OF THE TYPE OF LICENSE ISSUED TO SUCH PERSONS AND NOT WITHIN THE INTENT OF THE PROVISIONS OF THE ALCOHOLIC BEVERAGE CONTROL LAW.

6. FILLING ORDERS TAKEN BY "MISSIONARY MEN"

ORDERS FOR ALCOHOLIC BEVERAGES MAY BE FILLED ONLY BY THE MANUFACTURER OR WHOLESALE BY WHOM THE LICENSED SOLICITOR TAKING THE ORDER IS EMPLOYED. A SOLICITOR MAY REPRESENT ONLY ONE EMPLOYER-LICENSEE AND MAY SOLICIT AND ACCEPT ORDERS ONLY FOR HIS EMPLOYER. MANUFACTURERS AND WHOLESALERS ARE PROHIBITED FROM ACCEPTING OR DELIVERING ANY ORDER FOR ALCOHOLIC BEVERAGES SOLICITED OR ACCEPTED BY A SO-CALLED MISSIONARY MAN EMPLOYED BY ANOTHER LICENSEE.

STATE LIQUOR AUTHORITY



HENRY E. BRUCKMAN
CHAIRMAN

Handwritten note:
Amended by
Bruck 9/3
11/19/42
See 6.