ALCOHOLIC
BEVERAGES
DIVISION
State of Iowa

Manufacturer's License (CM)

For manufacturers of alcoholic liquor. Allows manufacture, storage and sale of alcoholic liquor to the Division and to customers outside of Iowa.

The following pages contain information related to your license. This is not an all-inclusive list of information that pertains to you.

For the complete Iowa Code Chapter 123 use this link:

https://www.legis.iowa.gov/docs/code/123.pdf

For the complete 185 Iowa Administrative Rules use this link:

https://www.legis.iowa.gov/docs/iac/agency/185.pdf

ALCOHOLIC BEVERAGES DIVISION
State of Iowa

Quick Links

General

ABD Website

Licensing

eLicensing

Licensing Laws & Requirements

License Classifications

License/Permit Fees

Education

Mobile App

Bulletins

Red Book

I-PACT

I-PLEDGE

Legally Speaking

Tobacco

Tobacco

123.41 Manufacturer's license — alcoholic liquor.

1. Each completed application to obtain or renew a manufacturer's license shall be submitted to the division electronically, or in a manner prescribed by the administrator, and shall be accompanied by a fee of three hundred fifty dollars payable to the division. The administrator may in accordance with this chapter grant and issue to a manufacturer a manufacturer's license, valid for a one-year period after date of issuance, which shall allow the manufacture, storage, and wholesale disposition and sale of alcoholic liquors to the division and to customers outside of the state.

2. As a condition precedent to the approval and granting of a manufacturer's license, an applicant shall file with the division a basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury, and a statement under oath that the applicant will faithfully observe and comply with all laws, rules, and regulations governing the manufacture and sale of alcoholic liquor.

3. A person who holds an experimental distilled spirits plant permit or its equivalent issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury may produce alcohol for use as fuel without obtaining a manufacturer's license from the division.

4. A person who holds a manufacturer's license shall file with the division, on or before the fifteenth day of each calendar month, all documents filed by the manufacturer with the alcohol and tobacco tax and trade bureau of the United States department of the treasury, including all production, storage, and processing reports.

5. Any violation of the requirements of this chapter or rules adopted pursuant to this chapter shall subject the license holder to the general penalties provided in this chapter and shall constitute grounds for imposition of a civil penalty, suspension of the license, or revocation of the license after notice and opportunity for a hearing pursuant to section 123.39 and chapter 17A.

123.23 Distiller's certificate of compliance — injunction — penalty.

1. Any manufacturer, distiller, or importer of alcoholic liquors shipping, selling, or having alcoholic liquors brought into this state for resale by the state shall, as a condition precedent to the privilege of so trafficking in alcoholic liquors in this state, annually make application for and hold a distiller's certificate of compliance which shall be issued by the administrator for that purpose. No brand of alcoholic liquor shall be sold by the division in this state unless the manufacturer, distiller, importer, and all other persons participating in the distribution of that brand in this state have obtained a certificate. The certificate of compliance shall expire at the end of one year from the

date of issuance and shall be renewed for a like period upon application to the administrator unless otherwise suspended or revoked for cause. Each completed application for a certificate of compliance or renewal shall be submitted electronically, or in a manner prescribed by the administrator, and shall be accompanied by a fee of fifty dollars payable to the division. However, this subsection need not apply to a manufacturer, distiller, or importer who ships or sells in this state no more than eleven gallons or its case equivalent during any fiscal year as a result of "special orders" which might be placed, as defined and allowed by divisional rules adopted under this chapter.

2. At the time of applying for a certificate of compliance, each applicant shall submit to the division electronically, or in a manner prescribed by the administrator, the name and address of its authorized agent for service of process which shall remain effective until changed for another, and a list of names and addresses of all representatives, employees, or attorneys whom the applicant has appointed in the state of Iowa to represent it for any purpose. The listing shall be amended by the certificate holder as necessary to keep the listing current with the division.

3. The administrator and the attorney general are authorized to require any certificate holder or person listed as the certificate holder's representative, employee, or attorney to disclose such financial and other records and transactions as may be considered relevant in discovering violations of this chapter or of rules and regulations of the division or of any other provision of law by any person.

4. Any violation of the requirements of this chapter or rules adopted pursuant to this chapter shall subject the holder of a distiller's certificate of compliance to the general penalties provided in this chapter and shall constitute grounds for imposition of a civil penalty, suspension of the certificate, or revocation of the certificate, after notice and opportunity for a hearing pursuant to section 123.39 and chapter 17A. However, willful failure to comply with requirements which may be imposed under subsection 3 is grounds for suspension or revocation of the certificate of compliance only.

5. This section shall not require the listing of those persons who are employed on premises where alcoholic liquors are manufactured, processed, bottled, or packaged in Iowa or persons who are thereafter engaged in the transporting of such alcoholic liquors to the division.

6. The attorney general may also proceed pursuant to the provisions of section 714.16 in order to gain compliance with subsection 3 of this section and may obtain an injunction prohibiting any further violations of this chapter or other provisions of law. Any violation of that injunction shall be punished as contempt of court pursuant to chapter 665 except that the maximum fine that may be imposed shall not exceed fifty

thousand dollars.

123.2 General prohibition.

It is unlawful to manufacture for sale, sell, offer or keep for sale, possess, or transport alcoholic liquor, wine, or beer except upon the terms, conditions, limitations, and restrictions enumerated in this chapter.

123.3 Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Administrator" means the administrator of the division, appointed pursuant to the provisions of this chapter, or the administrator's designee.
2. "Air common carrier" means a person engaged in transporting passengers for hire in interstate or foreign commerce by aircraft and operating regularly scheduled flights under a certificate of public convenience issued by the civil aeronautics board.
3. "Alcohol" means the product of distillation of any fermented liquor rectified one or more times, whatever may be the origin thereof, and includes synthetic ethyl alcohol.
4. "Alcoholic beverage" means any beverage containing more than one-half of one percent of alcohol by volume including alcoholic liquor, wine, and beer.
5. "Alcoholic liquor" means the varieties of liquor defined in subsections 3 and 50 which contain more than six and twenty-five hundredths percent of alcohol by volume, beverages made as described in subsection 7 which beverages contain more than six and twenty-five hundredths percent of alcohol by volume but which are not wine as defined in subsection 54, high alcoholic content beer as defined in subsection 22, or canned cocktails as defined in subsection 11, and every other liquid or solid, patented or not, containing spirits and every beverage obtained by the process described in subsection 54 containing more than twenty-one and twenty-five hundredths percent of alcohol by volume, and susceptible of being consumed by a human being, for beverage purposes. Alcohol manufactured in this state for use as fuel pursuant to an experimental distilled spirits plant permit or its equivalent issued by the federal bureau of alcohol, tobacco and firearms is not an "alcoholic liquor".
6. "Application" means a written request for the issuance of a permit, license, or certificate that is supported by a verified statement of facts and submitted electronically, or in a manner prescribed by the administrator.
7. "Beer" means any liquid capable of being used for beverage purposes made by the fermentation of an infusion in potable water of barley, malt, and hops, with or without unmalted grains or decorticated and degerminated grains or made by the fermentation

of or by distillation of the fermented products of fruit, fruit extracts, or other agricultural products, containing more than one-half of one percent of alcohol by volume but not more than six and twenty-five hundredths percent of alcohol by volume.

8. "Brewer" means any person who manufactures beer for the purpose of sale, barter, exchange, or transportation.

9. "Brewpub" means a commercial establishment authorized to sell beer at retail for consumption on or off the premises that is operated by a person who holds a class "C" liquor control license or a class "B" beer permit and who also holds a special class "A" beer permit that authorizes the holder to manufacture and sell beer pursuant to this chapter.

10. "Broker" means a person who represents or promotes alcoholic liquor within the state on behalf of the holder of a distiller's certificate of compliance, a manufacturer's license, or a class "A" native distilled spirits license. An employee of the holder of a distiller's certificate of compliance, a manufacturer's license, or a class "A" native distilled spirits license is not a broker.

11. "Canned cocktail" means a mixed drink or cocktail that is premixed and packaged in a metal can and contains more than six and twenty-five hundredths percent of alcohol by volume but not more than fifteen percent of alcohol by volume.

12. "City" means a municipal corporation but not including a county, township, school district, or any special purpose district or authority.

13. "Club" means any nonprofit corporation or association of individuals, which is the owner, lessee, or occupant of a permanent building or part thereof, membership in which entails the prepayment of regular dues and is not operated for a profit other than such profits as would accrue to the entire membership.

14. "Commercial establishment" means a place of business which is at all times equipped with sufficient tables and seats to accommodate twenty-five persons at one time, and the licensed premises of which conform to the standards and specifications of the division.

15. "Commission" means the alcoholic beverages commission established by this chapter.

16. "Completed application" means an application where all necessary fees have been paid in full, any required bonds have been submitted, the applicant has provided all information requested by the division, and the application meets the requirements of section 123.92, subsection 2, if applicable.

17. "Designated security employee" means an agent, contract employee, independent contractor, servant, or employee of a licensee or permittee who works in a security

position in any capacity at a commercial establishment licensed or permitted under this chapter.

18. "Distillery", "winery", and "brewery" mean not only the premises where alcohol or spirits are distilled, wine is fermented, or beer is brewed, but in addition mean a person owning, representing, or in charge of such premises and the operations conducted there, including the blending and bottling or other handling and preparation of alcoholic liquor, wine, or beer in any form.

19. "Division" means the alcoholic beverages division of the department of commerce established by this chapter.

20. "Grape brandy" means brandy produced by the distillation of fermented grapes or grape juice.

21. "Grocery store" means any retail establishment, the business of which consists of the sale of food, food products, or beverages for consumption off the premises.

22. "High alcoholic content beer" means beer which contains more than six and twenty-five hundredths percent of alcohol by volume, but not more than fifteen percent of alcohol by volume, that is made by the fermentation of an infusion in potable water of barley, malt, and hops, with or without unmalted grains or decorticated and degerminated grains. Not more than one and five-tenths percent of the volume of a "high alcoholic content beer" may consist of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol. The added flavors and other nonbeverage ingredients may not include added caffeine or other added stimulants including but not limited to guarana, ginseng, and taurine.

23. "Hotel" or "motel" means premises licensed by the department of inspections and appeals and regularly or seasonally kept open in a bona fide manner for the lodging of transient guests, and with twenty or more sleeping rooms.

24. "Import" means the transporting or ordering or arranging the transportation of alcoholic liquor, wine, or beer into this state whether by a resident of this state or not.

25. "Importer" means the person who transports or orders, authorizes, or arranges the transportation of alcoholic liquor, wine, or beer into this state whether the person is a resident of this state or not.

26. The terms "in accordance with the provisions of this chapter", "pursuant to the provisions of this title", or similar terms shall include all rules and regulations of the division adopted to aid in the administration or enforcement of those provisions.

27. "Institutional investor" means a person who maintains a diversified portfolio of investments through a state or federally chartered bank, a mutual fund, a retirement plan or account created by an employer, the person, or another individual to provide retirement benefits or deferred compensation to the person, a private investment firm,

or a holding company publicly traded on the New York stock exchange, the American stock exchange, or NASDAQ stock market and who has a majority of investments in businesses other than businesses that manufacture, bottle, wholesale, or sell at retail alcoholic beverages.

28. "Legal age" means twenty-one years of age or more.

29. "Licensed premises" or "premises" means all rooms, enclosures, contiguous areas, or places susceptible of precise description satisfactory to the administrator where alcoholic beverages, wine, or beer is sold or consumed under authority of a liquor control license, wine permit, or beer permit. A single licensed premises may consist of multiple rooms, enclosures, areas, or places if they are wholly within the confines of a single building or contiguous grounds.

30. "Local authority" means the city council of any incorporated city in this state, or the county board of supervisors of any county in this state, which is empowered by this chapter to approve or deny applications for retail beer or wine permits and liquor control licenses; empowered to recommend that such permits or licenses be granted and issued by the division; and empowered to take other actions reserved to them by this chapter.

31. "Manufacture" means to distill, rectify, ferment, brew, make, mix, concoct, or process any substance capable of producing a beverage containing more than one-half of one percent of alcohol by volume and includes blending, bottling, or the preparation for sale.

32. "Mixed drink or cocktail" means an alcoholic beverage, composed in whole or in part of alcoholic liquor, that is combined with other alcoholic beverages or nonalcoholic beverages or ingredients including but not limited to ice, water, soft drinks, or flavorings.

33. "Native brewery" means a business which manufactures beer or high alcoholic content beer and is operated by a person who holds a class "A" beer permit that authorizes the holder to manufacture and sell beer pursuant to this chapter.

34. "Native distilled spirits" means spirits fermented, distilled, or, for a period of two years, barrel matured on the licensed premises of the native distillery where fermented, distilled, or matured. "Native distilled spirits" also includes blended or mixed spirits comprised solely of spirits fermented, distilled, or, for a period of two years, barrel matured at a native distillery.

35. "Native distillery" means a business with an operating still which produces and manufactures native distilled spirits.

36. "Native wine" means wine manufactured pursuant to section 123.176 by a manufacturer of native wine.

37. "Package" means any container or receptacle used for holding alcoholic liquor.

38. "Permit" or "license" means an express written authorization issued by the division for the manufacture or sale, or both, of alcoholic liquor, wine, or beer.

39. "Person" means any individual, association, or partnership, any corporation, limited liability company, or other similar legal entity, any club, hotel or motel, or any municipal corporation owning or operating a bona fide airport, marina, park, coliseum, auditorium, or recreational facility in or at which the sale of alcoholic liquor, wine, or beer is only an incidental part of the ownership or operation.

40. "Person of good moral character" means any person who meets all of the following requirements:

a. The person has such financial standing and good reputation as will satisfy the administrator that the person will comply with this chapter and all laws, ordinances, and regulations applicable to the person's operations under this chapter. However, the administrator shall not require the person to post a bond to meet the requirements of this paragraph.

b. The person is not prohibited by section 123.40 from obtaining a liquor control license or a wine or beer permit.

c. Notwithstanding paragraph "e", the applicant is a citizen of the United States and a resident of this state, or licensed to do business in this state in the case of a corporation. Notwithstanding paragraph "e", in the case of a partnership, only one general partner need be a resident of this state.

d. The person has not been convicted of a felony. However, if the person's conviction of a felony occurred more than five years before the date of the application for a license or permit, and if the person's rights of citizenship have been restored by the governor, the administrator may determine that the person is of good moral character notwithstanding such conviction. e. The requirements of this subsection apply to the following:

(1) Each of the officers, directors, and partners of such person.

(2) A person who directly or indirectly owns or controls ten percent or more of any class of stock of such person.

(3) A person who directly or indirectly has an interest of ten percent or more in the ownership or profits of such person.

41. "Pharmacy" means a drug store in which drugs and medicines are exposed for sale and sold at retail, or in which prescriptions of licensed physicians and surgeons, dentists, prescribing psychologists, or veterinarians are compounded and sold by a registered pharmacist.

42. "Private place" means a location which, at the time alcoholic beverages are kept,

dispensed, or consumed, meets all of the following criteria:

a. The general public does not have access to the location and attendees are limited to bona fide social hosts and invited guests.

b. The location is not of a commercial nature.

c. Goods or services are neither sold nor purchased at the location.

d. The location is not a licensed premises.

e. Admission fees or other kinds of entrance fees, fare, ticket, donation or charges are not made or are required of the invited guests to enter the location.

43. "Public place" means any place, building, or conveyance to which the public has or is permitted access.

44. "Residence" means the place where a person resides, permanently or temporarily.

45. "Retail beer permit" means a class "B" or class "C" beer permit issued under the provisions of this chapter.

46. "Retail wine permit" means a class "B" wine permit, class "B" native wine permit, or class "C" native wine permit issued under this chapter.

47. "Retailer" means any person who shall sell, barter, exchange, offer for sale, or have in possession with intent to sell any alcoholic liquor, wine, or beer for consumption either on or off the premises where sold.

48. The prohibited "sale" of alcoholic liquor, wine, or beer under this chapter includes soliciting for sales, taking orders for sales, keeping or exposing for sale, delivery or other trafficking for a valuable consideration promised or obtained, and procuring or allowing procurement for any other person.

49. "School" means a public or private school or that portion of a public or private school which provides facilities for teaching any grade from kindergarten through grade twelve.

50. "Spirits" means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances in solution, including, but not limited to, brandy, rum, whisky, and gin.

51. "Unincorporated town" means a compactly populated area recognized as a distinct place with a distinct place-name which is not itself incorporated or within the corporate limits of a city.

52. "Warehouse" means any premises or place primarily constructed or used or provided with facilities for the storage in transit or other temporary storage of perishable goods or for the conduct of normal warehousing business.

53. "Wholesaler" means any person, other than a vintner, brewer or bottler of beer or wine, who shall sell, barter, exchange, offer for sale, have in possession with intent to sell, deal or traffic in alcoholic liquor, wine, or beer. A wholesaler shall not sell for

consumption upon the premises.

54. "Wine" means any beverage containing more than six and twenty-five hundredths percent of alcohol by volume but not more than twenty-one and twenty-five hundredths percent of alcohol by volume obtained by the fermentation of the natural sugar contents of fruits or other agricultural products but excluding any product containing alcohol derived from malt or by the distillation process from grain, cereal, molasses, or cactus.

123.186 Federal regulations adopted as rules.

1. The division shall adopt as rules the substance of the federal regulations 27 C.F.R. pt. 6, 27 C.F.R. pt. 8, 27 C.F.R. pt. 10, and 27 C.F.R. pt. 11.

2. The division shall adopt as rules the substance of 27 C.F.R. §6.88, to permit a manufacturer of alcoholic beverages, wine, or beer, or an agent of such manufacturer, to provide to a retailer without charge wine and beer coil cleaning services, including carbon dioxide filters and other necessary accessories to properly clean the coil and affix carbon dioxide filters. The rules shall provide that the manufacturer shall be responsible for paying the costs of any filters provided.

3. A licensee or permittee who permits or assents to or is a party in any way to a violation or infringement of a rule adopted pursuant to this section is guilty of a violation of this section. A violation of this section shall subject the licensee or permittee to the general penalties provided in this chapter and shall constitute grounds for imposition of a civil penalty or suspension or revocation of the license or permit pursuant to section 123.39.

123.33 Records.

Every holder of a license or permit under this chapter shall maintain records, in printed or electronic format, which include income statements, balance sheets, purchase and sales invoices, purchase and sales ledgers, and any other records as the administrator may require. The records required and the premises of the licensee or permittee shall be accessible and open to inspection pursuant to section 123.30, subsection 1, during normal business hours of the licensee or permittee.

ALCOHOLIC BEVERAGES DIVISION
State of Iowa

REGULATORY BULLETIN

No. B-2016-01 I January 1, 2016

Tastings by Industry Members

TO: Alcoholic Beverages Manufacturers, Wholesalers, and Brokers (Industry Members)

INTRODUCTION

The Iowa Alcoholic Beverages Division (Division) administers and enforces the laws of Iowa concerning beer, wine, and alcoholic liquor. The purpose of this bulletin is to provide clarification on the practice of ***industry member-conducted*** tastings. A tasting is the presentation and serving of a product to consumers for the purpose of market research, education, promotion of the product, or determination of the flavor of the product.

BACKGROUND

Iowa Code section 123.186 mandates that the Division adopt as rules the substance of the federal regulations 27 C.F.R. parts 6, 8, 10, and 11 as they relate to transactions between industry members and retailers, otherwise known as trade practices. The Division is conducting a comprehensive review of the trade practices chapter to update rules and provide clarity to stakeholders. The Division began by reviewing the tasting, sampling, and trade spending rule, which resulted in the adoption of three new separate rules and defining related terms. The new layout provides clarity and explains each subject matter in greater detail.

DISCUSSION

The newly adopted rule on tastings allows an industry member to conduct tastings at retail locations licensed for on- or off-premises consumption and unlicensed locations under the following guidelines:

The tasting amount per consumer must be limited to:

- No more than two ½ ounce tastes of any brand of alcoholic liquor,
- No more than two 1 ounce tastes of any brand of wine,
- No more than two 2 ounce tastes of any brand of beer or high alcoholic content beer, and
- No more than two 2 ounce tastes of a mixed drink or cocktail as defined in 185 Iowa Administrative Code section 4.5(1)"*b*".

An industry member is prohibited from:

- Serving a taste to a consumer who is under legal age, intoxicated, or simulating intoxication,
- Allowing a person under 18 years of age to serve a taste, and
- Serving tastes of other industry members' brands of alcoholic beverages.

When conducting a tasting on a licensed premises:

- The tasting must be limited to the types of alcoholic beverages available for purchase at the licensed premises,
- The tasting must be held during the hours when alcoholic beverages may be legally sold or served,
- Snack foods or hors d'oeuvres may be offered to consumers,

- The alcoholic beverages or food served at the tasting must either be provided by the industry member or purchased at no more than the ordinary retail price from the licensed premises where the tasting is held, and
- Any alcoholic beverages or food remaining at the end of the tasting must be removed from the licensed premises by the industry member.

When conducting a tasting on an unlicensed premises:

- Tastings of wine, beer, or high alcoholic content beer may be served in an unlicensed public place, unless prohibited by Iowa Code section 123.46(2) or an applicable city or county ordinance or regulation,
- Tastings of alcoholic liquor are prohibited in an unlicensed public place,
- Tastings of alcoholic liquor, wine, beer, and high alcoholic content beer may be served in an unlicensed private place as defined in 185 Iowa Administrative Code section 4.23(4),
- Alcoholic beverages served during the tasting must be obtained from the respective wholesaler,
- Snack foods or hors d'oeuvres may be offered to consumers, and
- Any alcoholic beverages or food remaining at the end of the tasting must be removed from the unlicensed premises by the industry member.

Record keeping requirements:

- An industry member must keep and maintain records in accordance with 185 Iowa Administrative Code section 16.18.

Violations:

- An industry member who conducts a tasting that is found to be in violation of Iowa laws or rules may be subject to administrative sanctions, including, but not limited to, civil penalty, license suspension or license revocation.

CONCLUSION

Effective December 30, 2015, industry members shall conduct tastings in accordance with this bulletin.

QUESTIONS

If you have any questions concerning this bulletin, please contact Stephanie Strauss, Government Relations, at 515-281-7432 or Strauss@IowaABD.com.

Stephen Larson, Administrator

References and useful information:

State Law: 123.43A, 123.56, 123.186(1)
State Rules: 185 Iowa Administrative Code chapter 16
Federal Regulations: 27 Code of Federal Regulation 6.95
Website Links: http://iowaabd.com/alcohol/regulation/alcohol_laws

The Alcoholic Beverages Division was created to administer and enforce the laws of Iowa concerning beer, wine and alcoholic liquor.

This bulletin does not replace statutes, rules or court decisions.
This bulletin should not be considered legal advice or a substitute for legal counsel.

1918 SE Hulsizer Road, Ankeny, Iowa 50021-3941 PH 866.IowaABD www.IowaABD.com

ALCOHOLIC BEVERAGES DIVISION
State of Iowa

REGULATORY BULLETIN

No. B-2016-02 January 1, 2016

Sampling

TO: Alcoholic Beverages Manufacturers, Wholesalers, and Brokers (Industry Members)

INTRODUCTION

The Iowa Alcoholic Beverages Division (Division) administers and enforces the laws of Iowa concerning beer, wine, and alcoholic liquor. The purpose of this bulletin is to provide clarification on the practice of sampling. Sampling is the practice of industry members giving alcoholic beverages to a retailer for the purpose of market research, education, promotion of the product, or determination of the flavor of the product.

BACKGROUND

Iowa Code section 123.186 mandates that the Division adopt as rules the substance of the federal regulations 27 C.F.R. parts 6, 8, 10, and 11 as they relate to transactions between industry members and retailers, otherwise known as trade practices. The Division is conducting a comprehensive review of the trade practices chapter to update rules and provide clarity to stakeholders. The Division began by reviewing the tasting, sampling, and trade spending rule, which resulted in the adoption of three new separate rules and defining related terms. The new layout provides clarity and explains each subject matter in greater detail.

DISCUSSION

The newly adopted rule on sampling allows an industry member to give alcoholic beverages to a retailer who has not purchased the brand from that industry member within the preceding 12 months, and while following the below guidelines:

Quantities cannot exceed the following amounts within a calendar year:

- No more than 3 liters of any brand of alcoholic liquor,
- No more than 3 liters of any brand of wine, and
- No more than 3 gallons of any brand of beer or high alcoholic content beer.

An industry member must:

- Obtain alcoholic liquor, wine, beer, or high alcoholic content beer from the respective wholesaler, and
- Clearly mark the word "SAMPLE" on each container of alcoholic liquor, wine, beer, or high alcoholic content beer used for sampling. The marking cannot obscure the label of the container.

Record keeping requirements:

- An industry member must keep and maintain records in accordance with 185 Iowa Administrative Code section 16.18.

Violations:

- An industry member who conducts sampling that is found to be in violation of Iowa laws or rules may be subject to administrative sanctions, including, but not limited to, civil penalty, license suspension or license revocation.

CONCLUSION

Effective December 30, 2015, industry members shall engage in the practice of sampling in accordance with this bulletin.

QUESTIONS

If you have any questions concerning this bulletin, please contact Stephanie Strauss, Government Relations, at 515-281-7432 or Strauss@IowaABD.com.

Stephen Larson, Administrator

References and useful information:

State Law: 123.186(1)
State Rules: 185 Iowa Administrative Code chapter 16
Federal Regulations: 27 Code of Federal Regulation 6.91
Website Links: http://iowaabd.com/alcohol/regulation/alcohol_laws

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ALCOHOLIC BEVERAGES DIVISION
State of Iowa

TRADE PRACTICES FAQ

Things of Value

1. Can industry members give, sell, or rent coolers/cooler bags/dump bins to on- or off-premises licensee/permit holders?

   Manufacturers and wholesalers are prohibited from directly or indirectly supplying, furnishing, giving, or paying for any equipment used in the storage, handling, serving, or dispensing of alcoholic beverages and food. Iowa Code § 123.45 and 185 IAC 16.40.

2. Can industry members give, sell, or rent logoed buckets or pitchers to on- or off-premises license/permit holders?

   Manufacturers and wholesalers are prohibited from directly or indirectly supplying, furnishing, giving, or paying for any equipment used in the storage, handling, serving, or dispensing of alcoholic beverages and food. Iowa Code § 123.45 and 185 IAC 16.40.

3. Can industry members give, sell, or rent tents, tables and/or chairs to on- or off-premises license/permit holders?

   Manufacturers and wholesalers are prohibited from directly or indirectly giving, selling, renting, or lending equipment, furnishings, or fixtures to a retailer for use by the retailer or in the retail establishment. Iowa Code §123.45, 185 IAC 16.40, and 27 CFR 6.21.

4. Can industry members give, sell, or rent dispensing equipment, coil boxes, or draft trucks with tapping equipment on the side to on- or off-premises license/permit holders?

   Manufacturers and wholesalers are prohibited from directly or indirectly supplying, furnishing, giving, or paying for any equipment used in the storage, handling, serving, or dispensing of alcoholic beverages and food. Iowa Code § 123.45 and 185 IAC 16.40.

5. Can industry members park a refrigerated truck on an on- or off-premises licensed premises to store extra product in?

   Manufacturers and wholesalers are prohibited from directly or indirectly supplying, furnishing, giving, or paying for any equipment used in the storage, handling, serving, or dispensing of alcoholic beverages and food. Iowa Code § 123.45 and 185 IAC 16.40.

6. Can industry members give, sell, or rent a draft system or walk-in cooler to on- or off-premises license/permit holders?

   Manufacturers and wholesalers are prohibited from directly or indirectly supplying, furnishing, giving, or paying for any equipment used in the storage, handling, serving, or dispensing of alcoholic beverages and food. Iowa Code § 123.45 and 185 IAC 16.40

Things of Value (continued)

ALCOHOLIC BEVERAGES DIVISION State of Iowa

7. Can industry members give t-shirts to on- or off-premises license/permit holders for their employees to wear?

   Manufacturers and wholesalers must **sell** wearing apparel, including sweatshirts, t-shirts, pants, shorts, hats, caps, polo-type shirts, jackets, jerseys, and other similar clothing, which bears substantial permanently affixed advertising identifying the industry member's name or products to a retailer at not less than the industry member's laid-in cost of the items. There is no dollar limitation on wearing apparel which may be sold by an industry member to a retailer. 185 IAC 16.3(6)

8. Can industry members sponsor a band or concert on a licensed premises?

   Sponsorships cannot be offered as an inducement to exclude a competitor's product. Anything offered to one retailer must be uniformly offered to all retailers. Iowa Code §§ 123.45, 123.123, 123.135, 123.172, 123.180, and 27 CFR 6.41

9. Can beer or wine industry members give disposable glassware to on- or off-premises license/permit holders?

   Manufacturers and wholesalers must sell one-time usage cups made of paper, paper laminate, or plastic. Iowa law requires wholesalers to charge the retailer an amount equal to or greater than the cost of the one-time usage cups. Iowa Code § 123.45.

10. Can a retailer demand industry members provide kegs, glasses, etc., at no cost prior to agreeing to carry the industry member's product?

    While retailers may try to negotiate benefits from wholesalers, the law prohibits the granting of some requests. For all items not expressly prohibited, anything an industry member offers to one retailer must be uniformly offered to all retailers. Iowa Code §§ 123.45, 123.123, 123.135, 123.172, 123.180, 123.186, and 185 IAC 16.

Advertising

11. Can industry members provide banners with brand names and/or logos to be erected or placed upon the outside of the on- or off- premises license/permit holders premises?

    Iowa law prohibits advertising on the outside of licensed premises if the advertising contains a brand name. Signs or other advertising matter may be erected or placed inside the premises, inside a fence or similar enclosure which wholly or partially surrounds the premises, or inside a window facing outward from the premises. Anything offered to one retailer must be uniformly offered to all retailers. Iowa Code §§ 123.51, 123.123, 123.135, 123.172, and 123.180.

12. Can industry members give, sell, or rent umbrellas for outdoor service area tables to on-premises license/permit holders?

    Manufacturers and wholesalers may give, sell, or rent table umbrellas to retailers as point-of-sale items. The umbrellas must bear substantial advertising matter about the product or the manufacturer or wholesaler. Anything offered to one retailer must be uniformly offered to all retailers. Iowa Code §§ 123.45, 123.123, 123.135, 123.172, 123.180, 123.186, and 27 C.F.R, § 6.84.

Return of Product

13. Can industry members allow the return of beer, wine, or liquor that annual (12 month) on- or off-premises license/permit holders ordered too much of or is not selling?

    Manufacturers and wholesalers are prohibited by both federal and state law from accepting the return of overstocked and slow-moving beer, wine or liquor. Iowa Code § 123.186, 185 IAC 16.90, and 27 C.F.R. § 11.45.

14. Can industry members allow the return of beer, wine, or liquor that seasonal (6 and 8 month) on- or off-premises license/permit holders ordered too much of or is not selling?

    Manufacturers and wholesalers may accept the return of product from a seasonal licensee, if the product is likely to spoil during the off season. Manufacturers and wholesalers are under no obligation to accept the return of the product. Iowa Code § 123.186, 27 C.F.R. §§ 11.31, and 11.39.

15. Can industry members allow the return of beer, wine, or liquor that temporary (5-day and 14-day) on- or off-premises license/permit holders ordered too much of?

    Manufacturers and wholesalers may accept the return of products that temporary license/permit holders have on hand at the time the retailer terminates business. Manufacturers and wholesalers are under no obligation to accept the return of the product. Iowa Code § 123.186, 185 IAC 16.90, and 27 C.F.R. § 11.35.

Ordering Product

16. Can licenses/permits that are owned by the same person/entity share their alcoholic beverages inventory between their annual licensed location and temporary licensed location?

    Transferring product between retail premises is prohibited. Each premises is separately licensed and is required to operate as a separate business. Each license/permit holder must order product under the unique license/permit granted to each premises. Iowa Code §§ 123.123, 123.130, 123.172, 123.173, and 123.177.

Pricing of Product

17. Can industry members donate beer, wine or liquor to on- or off-premises license/permit holders?

    Iowa law prohibits manufacturers and wholesalers from discriminating between retailers, so manufacturers and wholesalers must uniformly offer all rebates, free goods, or other discounts to all retailers. Iowa Code §§ 123.22, 123.123, 123.135, 123.172, 123.180, and 185 IAC 16.10.

18. Can industry members give a quantity discount or rebate on beer, wine, or liquor purchased by on- or off-premises license/permit holders?

    Iowa law prohibits manufacturers and wholesalers from discriminating between retailers, so manufacturers and wholesalers must uniformly offer all rebates, free goods, or other discounts to all retailers. Iowa Code §§ 123.22, 123.123, 123.135, 123.172, 123.180, and 185 IAC 16.10.