INFORMATIONAL BULLETIN 2019-001

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DATE

Informational Bulletin 2019-001 is based on information available as of May 15, 2019.

SUBJECT


SCOPE

Informational Bulletin 2019-001 addresses the following matter related to expendable retailer advertising specialties:

- Current authority allowing a distributor that receives branded glassware at no charge on a no-charge invoice from a malt beverage manufacturer or importer to give up to 10 cases per calendar year per licensed premises of such glassware to a vendor who is licensed to sell malt beverages for consumption on premises.

APPLICABLE LAWS/RULES

- Section 561.42(14), Florida Statutes (2018)
- Rule 61A-1.01010, Florida Administrative Code (“F.A.C.”)

SUMMARY

Chapter 2018-135, Laws of Florida, allows distributors to provide branded glassware at no cost to vendors, within certain parameters. The glassware must bear a permanent brand name intended to prominently advertise the brand. The distributor must receive the branded glassware at no cost on a no-charge invoice from a malt beverage manufacturer or importer. The distributor may only provide such glassware to vendors who are licensed to sell malt beverages for consumption on the premises. The allowable quantity of glassware is limited to ten cases of glassware per licensed premises per calendar year. All parties, including the manufacturer or importer, distributor, and vendor must
maintain records of the gift of glassware for a period of three years.

The effective date of the amendments to section 561.42(14), Florida Statutes, was October 1, 2018.

FREQUENTLY ASKED QUESTIONS

1. What does “branded” glassware mean?

   Branded glassware must bear a permanent brand name intended to prominently advertise the brand.

2. May glassware provided by industry members advertise specific, individual brands of alcoholic beverage products?

   Yes, expendable retailer advertising specialties may advertise a brand or industry member.

3. As a retailer, what records do I need to keep if my business receives glassware at no cost pursuant to section 561.42(14), F.S.?

   A retailer must maintain, for a period of three years, records of the gift of glassware which include:
   a. The name and address of the recipient, the recipient's employee or agent receiving the glassware;
   b. The recipient's license number;
   c. The date furnished, or given;
   d. The description and quantity of glassware furnished, or given;
   e. The cost to the industry member determined by the original purchaser's invoice price;
   f. The charges to the recipient for the glassware, if any; and
   g. The name, license number, and address of the industry member providing the glassware.

4. As a distributor, what records do I need to keep if I provide glassware at no cost to a vendor pursuant to section 561.42(14), F.S.?

   A distributor must maintain, for a period of three years, records of the gift of glassware which include:
   a. The name and address of the recipient, the recipient's employee or agent receiving the glassware;
   b. The recipient's license number;
   c. The date furnished, or given;
   d. The description and quantity of glassware furnished, or given;
   e. The cost to the industry member determined by the original purchaser's invoice price;
   f. The charges to the recipient for the glassware, if any; and
   g. The name, license number, and address of the industry member providing the glassware.

5. As a vendor, I am interested in obtaining glassware from my distributor featuring a particular brand, but my distributor has indicated I will need to pay for the glassware.

   A distributor may gift glassware to a vendor only if the glassware was received at no cost to the distributor. If the glassware was purchased, the distributor may only sell the glassware to the vendor at a price not less than the actual cost to the industry member who initially purchased them. Additionally, if the distributor has already reached the maximum gift threshold of ten cases per calendar year, the distributor may need to charge for the glassware.
6. How are “case” and “glassware” defined?

A case is a box containing up to 24 pieces of glassware. Glassware is defined as a single serving glass container that can hold no more than 23 ounces of liquid.

7. As a vendor, I operate multiple licensed premises within the territory of a single distributor. Am I eligible to receive branded glassware at each location from the same distributor?

Yes. Each vendor location licensed to sell malt beverages for on premises consumption may receive up to ten cases of glassware per calendar year.