

How does a wholesaler/distributor conduct product sampling to clients?

Who is a client in this situation?

- A client is an industry member’s (beer wholesaler’s or table wine distributor’s) account customer (retail licensee/agency liquor store) that will potentially be selling that particular product.
- Not the public.

Providing samples for on-premises clients:

- The wholesaler/distributor may furnish or give samples to a retail on-premises licensee who has not purchased the brand* from that industry member within the last 12 months.
- The table wine distributor may only give a retail licensee up to 3 liters of any brand of wine.
- The beer wholesaler may only give a retail licensee up to 3 gallons of any brand of beer.
- Tasting samples may occur at a licensed on-premises retailer.

Providing samples for off-premises and agency liquor store clients:

- The wholesaler/distributor may furnish or give samples to a retail off-premises licensee and agency liquor store agent who have not purchased the brand from that industry member within the last 12 months for the client to taste off their licensed premises or agency liquor store. Those samples may be partially full bottles/containers, but they must be resealed (closed in some manner). If the wholesaler/distributor plans to use a different type of container for sampling purposes other than the original container, ABCD requires the following on the sample bottle/container:
 - A statement saying “For Sample Purposes Only”
 - The specific name and variety of the wine
 - The ABV of the wine
 - The amount of the sample
 - The name of the wholesaler/distributor providing the samples

Remember: All wine products must be approved by the department prior to shipping the wine into the state. This includes wine for sample purposes.

The Department recommends having some sort of documentation that the partially full bottle/container is a sample for the client to be consumed off the premises or agency liquor store.

- The table wine distributor may only give a retail licensee and agency liquor store agent up to 3 liters of any brand of wine.
- The beer wholesaler may only give a retail licensee up to 3 gallons of any brand of beer.
- The off-premises licensee and agency liquor store agent may taste samples at an on-premises licensee's place of business.

Not Allowed:

- Cannot taste samples at an off-premises licensed premises.
- Cannot taste samples at a wholesaler/distributor licensed premises.
- Cannot taste samples at an agency liquor store.
- Cannot have an open alcoholic beverage container at an off-premises licensed premises.
- Cannot have an open alcoholic beverage container at an agency liquor store.

*A brand is the difference in the brand name of a product or in the nature of the product. Examples of this are products with a different brand name or class, type, or kind designation; designation of origin, vintage date (wine), age (distilled spirits), or percentage of alcohol. This does not include differences in label design or color, or a different style, type or size of container.

**All licensees must comply with all Montana alcoholic beverage laws and rules.

16-2-107, MCA and ARM 42.12.313, 42.13.1202

CFR Title 27 Chapter I Subchapter A Part 6 Subpart D § 6.91 Samples

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