

## Guide for licensed retailers and manufacturers.

Closely held licenses are licenses owned by close relations (allowed by law) and/or are in close proximity and intend to operate in conjunction with each other. However, a retail licensee cannot publicize that they are an alcoholic beverage manufacturer. The public must be able to distinguish between the different license types. All licensees must also meet suitability laws and rules.

### Allowed:

- Retail licensees may use an Assumed Business Name (ABN) or a “Doing Business As” (DBA) name such as *Betty’s Beer Pub*, *The House of Brews and Brunch*, *English Family Wines and Wings*, *Dave’s Distilled Spirits Bar and Restaurant*, *Tom’s Tap House*, etc., that is similar to a manufacturer without misleading the public. The public must be able to identify that the establishment is an on-premises alcoholic beverage licensee.
- Manufacturer Licensees must have signage indicating the type of business and must have manufacturing equipment, so the public is able to tell there is a brewery, winery, or distillery at that location.

### Not Allowed:

- Retail licenses cannot have signs, posters, or advertisements displayed on the exterior portion of the premises that identify any brewer, beer importer, or wholesaler in any manner (temporary advertisement signs are allowed) or on the exterior portion of buildings adjacent to the premises if the retailer has possessory interest in the building.
- Retail licensees cannot operate under an ABN or DBA that identifies them as a brewery, winery, or distillery such as *Betty’s **Brew Pub***, *Mary’s **Brewery and Brunch House***, *English Family **Winery and Wings***, *Dave’s **Distillery and Bar***, etc.
- Manufacturer licensees cannot have direct “tap lines” from the manufacturing premises to the licensed retail premises.
- Manufacturer licensees cannot own the building and rent a space to a retail licensee.
- Retail licenses and manufacturer licenses “intermingling” together in one space by not having a permanent floor to ceiling wall separating alcoholic beverage licenses. These alcoholic beverage licenses must be separate businesses.
- Retail licenses cannot advertise on menus, social media, tap handles, napkins, glassware, etc., that alcohol is manufactured in-house. The name of the manufacturer must be on those items and it cannot be misleading as to who has

produced the alcoholic beverage product. Ex: *Mary’s BBQ Pale Ale brewed by Best Brewery Company* or *Distilled for Dave’s Bar by D.R. Distillery, Bottled for the English Family Wine and Wings by Whiney Winery*, etc.

- Retail licenses cannot advertise or state “our brew master has brewed...,” our new “brewery...,” etc. This is not true and is deliberately misleading the public as to what type of alcoholic beverage licensee they are.
- Retail and Manufacture licensees cannot represent to the public that they are anything but their own license type. It is up to the retail and manufacture licensees to correct public opinion and comments regarding their license types on social media posts or in any other media.

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

ARM 42.12.145 and 42.12.149

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