

Sec. 30-6-A40. Minimum consumer resale prices

(a) **Prohibited sales.** No out-of-state shipper, manufacturer or wholesaler may include in any schedule of minimum consumer resale prices any brand of alcoholic liquor unless he is the owner of such brand or, in the case of the wholesaler, has been appointed exclusive agent, in writing, by the brand owner for the purpose of filing such schedule or has obtained written permission of the department to schedule a price for such brand. A wholesaler filing as an agent of an unlicensed brand owner may make no sales of such brand of alcoholic liquor to off-premises retailers until such wholesaler has filed with the department a letter from the brand owner in duplicate. Such authorization shall be on the letterhead of the brand owner and contain: (1) A statement that the person or firm executing such authorization is the actual owner of the brand; (2) a statement that as such brand owner the person or firm executing such authorization is appointing the particular wholesaler exclusive agent for the purpose of filing a schedule of minimum consumer resale prices for such brand pursuant to section 30-64 of the Connecticut General Statutes. No authorization will be accepted if the brand owner has previously appointed an exclusive agent for a particular brand unless such new authorization specifically revokes the authorization granted the previous agent.

(b) **Permissive sales.** The department, at its discretion, may grant to an off-premises retailer permission to sell at a price less than the minimum consumer resale price listed in any schedule for the following reasons:

(1) Where the licensee is actually and in good faith closing out his stock of a brand of alcoholic liquor for the purpose of discontinuing the sale of such brand, provided the stock of such brand shall have been in the possession of such licensee for not less than six months from the date of the last purchase of such brand and the entire stock of such brand shall first be offered by registered mail at the original invoice price to the manufacturer or wholesaler who filed the schedule for such brand, or any wholesaler authorized on the wholesale price schedule to sell such brand, at least fifteen days before request for permission to make such sale is made to the department.

(2) Where the brand of alcoholic liquor is damaged or deteriorated in quality and notice is given to the public thereof, provided the entire stock of such brand shall first be offered by registered mail to the manufacturer or wholesaler from whom purchased at least fifteen days before request for permission to make such sale is made to the department. For the purpose of this subdivision, label changes, based on the change in the formula or age of base whiskey or percentages of whiskey or neutral spirits or types of neutral spirits, shall not constitute such a label a different brand. A retailer who "closes out" or returns a brand of liquor pursuant to subdivision (1) may not purchase such brand for a period of twelve months after the date of return or sale of such brand, even though the brand, when offered for sale to the retailer, contains a different formula, base whiskies having different ages, different percentages of whiskey or neutral spirits or different types of spirits. Wines bearing labels of the same brand but of different types (such as port, sherry or muscatel) or of different vintage years are different items, provided such types or years shall appear on the labels affixed to the containers. A retailer who "closes out" or returns a brand of wine of any type or any vintage year may not purchase such type or such vintage year of such brand for a period of twelve months after the disposal of the last container thereof, but is not prohibited from purchasing during the twelvemonth period other types of such brand or

other vintage years of such brand.

(c) **Returns.** No merchandise shall be accepted for return from a retailer by a manufacturer or wholesaler except under court order, with the approval of the department for good cause shown, or as permitted by this section. Written application containing an inventory of the merchandise to be returned shall be submitted to the department by both the retailer and manufacturer or wholesaler concerned. A manufacturer or wholesaler may accept merchandise for return without prior approval from the department when at the time of delivery to the retailer, the merchandise or its container is damaged or the merchandise is contaminated or tainted. A manufacturer or wholesaler who accepts the return of such merchandise shall keep an accounting of the merchandise accepted that shall identify the retailer who returned such merchandise and the date that upon which it was returned.

(d) **Discontinued brands.** Any brand on which no minimum consumer resale price can be posted because the owner of the brand discontinued business may be listed by a wholesaler under the heading "Discontinued Brands." Retailers may purchase and sell as a "close out" only any brand of alcoholic liquor which is listed as a "discontinued brand." Any wholesaler desiring to list an item as a "discontinued brand" shall submit a request setting forth the facts concerning such brand and obtain the written approval of the department for such listing.

(e) **Licensee not to absorb sales tax or container price.** Where a retail sales tax has been imposed pursuant to law, such tax may not be absorbed by the licensee but shall be added to the minimum consumer resale price of any brand of alcoholic liquor which is sold; nor shall such licensee absorb the container price in respect to any malt beverage.

(f) **Gifts and novelties to consumer.** No off-premises retail permittee shall, directly or indirectly, offer, furnish, deliver or give away any free goods, gratuities, gifts, prizes, coupons, premiums, or other articles or things of value, to any consumer. Calendars and recipe books, having an individual cost to the retailer of not more than five dollars, and match books which can be considered advertising media, do not come within the scope of this regulation. Recipe books may be furnished to a retailer by manufacturers and wholesalers for distribution by the retailer.

(g) **Advertising.** No licensee shall advertise any price for an assortment of different brands or types of alcoholic liquors contained in one unit, unless the price for each individual item is stated individually and separately in such advertising. Nor shall any licensee advertise the price of any alcoholic beverage unless such advertisement contains the brand name of the item and the container size.

(h) **Notice to permittees.** Notice of all out-of-state shipper, manufacturer or wholesaler minimum consumer resale prices shall be given by the out-of-state shipper, manufacturer or wholesaler permittee to permittee purchasers, either by direct mail or advertising in a trade publication having a circulation among the retail permittees. When the out-of-state shipper, manufacturer or wholesaler notifies the retail permittee by direct mail rather than by advertising in a trade publication, he shall, on or before the effective date of such prices, submit an affidavit to the effect that he has so notified such retailer.

(i) **Displaying prices.** Each retail licensee shall display on the shelf immediately beneath the merchandise offered for sale, in a conspicuous manner and legible to the public, the price of each container of alcoholic beverage, except malt beverages. The retail prices of

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all malt beverages shall be posted in a conspicuous place on the permit premises, legible to the public, setting forth the unit and case price.

(Effective June 2, 1987; Amended October 1, 2001)