

To: All beer manufacturers, wholesalers and retailers

Subject: 180 Day Law

This advisory is intended to clarify the Authority's position regarding the 180 Day Law for beer pricing in New York, as set forth in Alcoholic Beverage Control Law ("ABCL") Section 55-b(2) as follows:

No brewer or beer wholesaler may increase the price per case, draft package or special package of beer sold to beer wholesalers or retail licensees until at least one hundred eighty days have elapsed since his last price decrease on such case, draft package or special package, provided, however, that the brewer or beer wholesaler may increase any price established by him at any time in the amount of any direct tax increase on beer, or on containers thereof, actually paid by such brewer or beer wholesaler, and provided further, however, that if a brewer or beer wholesaler has increased his price to beer wholesalers at any time pursuant to the provisions hereof, the beer wholesaler may increase the price established by him on such package in an amount equal to the direct price increase to the beer wholesaler. The price per case, draft package or special package of beer sold to beer wholesalers or retail licensees on the first day of the month following the effective date of this act shall be deemed the base price, to or from which price increases or decreases may be made in accordance with the provisions of this section.

The Authority affirms that:

1. Retailer advertising or marketing programs pertaining to a beer wholesaler's products do not provide a basis for that beer wholesaler to violate the no-price-increase-for-180-days requirement of Section 55-b(2).
2. Beer wholesalers may utilize volume discounts to decrease their price to a retailer provided that the volume discount remains available to that retailer for a minimum of 180 days and is calculated on each invoice individually. Beer wholesalers may not add together multiple invoices for the purpose of calculating volume discounts.