

STATE OF NEW YORK  
LIQUOR AUTHORITY

To: All licensees authorized to sell beer and cider for off-premises consumption

Subject: Growlers

Over the past several years the Authority has been receiving inquiries regarding the sale of beer and cider for off-premises consumption in growlers. For purposes of this Advisory, “growler” means any container other than the original container in which the beer or cider was delivered to the retailer. This Advisory is intended to provide guidance with respect to the use of growlers to those licensees who sell beer and cider at retail for off-premises consumption.

Sections 105(5) and 105(11) of the Alcoholic Beverage Control Law require package and wine stores to keep liquor or wine in the original sealed containers received from the manufacturer or wholesaler. The only exception is a container that is opened for tastings. Given these provisions, liquor and wine sold for off-premises consumption must be sold to the consumer in the original, sealed container. Neither liquor nor wine can be poured into another container and sold to the consumer.

Notably, beer and cider are not mentioned in either section 105(5), section 105(11) or section 106(2)(a). In the view of the Authority, this means that beer and cider do not have to be sold to consumers in the original container. Accordingly, licensees selling beer or cider at retail for off-premises consumption may pour the beer or cider from the original container into a growler for the consumer. The growler may be one provided or sold by the licensee, or one provided by the consumer.

Licensees are reminded that, while the sale of beer or cider using growlers is permissible under the Alcoholic Beverage Control Law, local “open container” ordinances may restrict the ability of the consumer to leave the licensed premises with an unsealed growler.