



State Liquor Authority

ANDREW M. CUOMO
Governor

VINCENT G. BRADLEY
Chairman

GREELEY FORD
Commissioner

ADVISORY #2019-5

To: All on-premises retail licensees

Subject: Requirement to keep alcoholic beverages in their original containers

The purpose of this advisory is to provide guidance to on-premises retail licensees regarding the provisions of Alcoholic Beverage Control Law §106(2). Specifically, paragraph (a) of that subdivision requires licensees to keep liquor and wine in the original containers as received from the wholesaler or manufacturer and prohibits such practices as refilling and premixing.

As noted in Circular #57 issued in 1940, the Authority has determined that the transfer of wine from the original container to a decanter or carafe, when intended for service to customers at tables, is not a violation of §106(2). With this exception, the substitution of the contents of any container of liquor or wine, the transfer of its contents to another container, or the refilling of any container of liquor or wine is a violation of §106(2).

This Advisory shall replace Circular #57.

This matter was heard and determined by the Members of the Authority at a Full Board meeting held on July 17, 2019 before Chairman Vincent Bradley, Commissioner Lily Fan, and Commissioner Greeley Ford. The above written advisory was approved by Chairman Bradley on behalf of the Members of the Authority on August 2, 2019.

Dated: 8/8/19

A handwritten signature in black ink, appearing to read "Thomas J. Donohue".

Thomas J. Donohue
Secretary to the Authority