



ANDREW M. CUOMO
Governor

LILY M. FAN
Commissioner

VINCENT G. BRADLEY
Chairman

GREELEY FORD
Commissioner

ADVISORY #2020-25

Subject: Sale of cider by beer wholesalers

The following guidance is provided to cider producers, cider wholesalers and beer wholesalers regarding the sale of cider by beer wholesalers: to other wholesalers and to retailers (“sale at wholesale”); and to consumers (“sale at retail”).

Sale of cider at wholesale by beer wholesalers

A licensed beer wholesaler may sell cider at wholesale, from its current licensed premises, by obtaining a permit under Alcoholic Beverage Control Law (“ABCL”) §58-a. This is also referred to as the BC104 permit and costs \$150/year which must be renewed annually. This permit allows the beer wholesaler to purchase cider from a cider producer or a cider wholesaler (including a beer wholesaler with a BC 104 permit) and sell the cider to other cider wholesalers or to any retail licensee. The permit **does not** allow the beer wholesaler to sell cider at retail.

A licensed beer wholesaler may also obtain a cider wholesaler’s license for use at a location other than its beer wholesale licensed premises. This license is issued pursuant to ABCL §58. A cider wholesaler can obtain a permit pursuant to ABCL §58-c to sell cider at retail.

Sale of cider at retail by beer wholesalers


Beer wholesale licenses fall into two categories, those that are licensed to sell beer only at wholesale (designated as “CO” licenses) and those that are licensed to sell beer at wholesale and at retail for off-premises consumption (designated as “C” licenses). When a “C” licensee is exercising its privileges to sell beer at retail for off-premises consumption, the Authority considers the licensee to be a retailer. ABCL §59 allows off-premises retailers to sell cider at retail for off-premises consumption. Therefore, the Authority will allow a “C” licensee to sell cider at retail for off-premises consumption.

Since the “C” licensee may sell cider at retail for off-premises consumption, it may also purchase cider from a cider producer or cider wholesaler for resale. The “C” licensee does not need a BC 104 permit to purchase cider to sell at retail.

A "CO" licensee is not allowed to sell beer at retail. Therefore, it **may not** sell cider at retail.

This matter was heard and determined by the Members of the Authority at a Full Board meeting held on September 30, 2020 before Chairman Vincent Bradley, Commissioner Lily Fan and Commissioner Greeley Ford. The above written advisory was approved by the Members of the Authority on September 30, 2020.

Dated: 10/1/10

A handwritten signature in black ink, appearing to read "Thomas J. Donohue". The signature is written in a cursive style with a long horizontal line extending from the start of the name.

Thomas J. Donohue
Secretary to the Authority