

Introduced by Senator WigginsFebruary 17, 2010

An act to amend Section 25503.4 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 1101, as introduced, Wiggins. Alcoholic beverage control: instructional events: wine.

Existing law generally prohibits a manufacturer, winegrower, manufacturer's agent, California winegrower's agent, rectifier, distiller, bottler, importer, or wholesaler, or any officer, director, agent, or representative of that person from, among other things, providing a licensee alcoholic beverages as a free good as a part of any sale or transaction involving alcoholic beverages, or furnishing anything of value to a licensee for specified purposes. However, existing law authorizes any winegrower, California winegrower's agent, importer, or any director, partner, officer, agent, or representative of that person, to conduct or participate in an instructional event for consumers held at a retailer's premises featuring wines produced by or for the winegrower or imported by the importer, subject to certain specified conditions. Existing law specifies that alcoholic beverages shall not be given away at these instructional events, but wine may be sampled if it is taken from barrels or tanks.

This bill would revise the sampling provision to additionally allow for wine samples to be provided at the instructional event from bottles.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25503.4 of the Business and Professions
2 Code is amended to read:

3 25503.4. (a) Notwithstanding any other provision of this
4 division, a winegrower, California winegrower's agent, wine
5 importer, or any director, partner, officer, agent, or representative
6 of that person, may conduct or participate in, and serve wine at,
7 an instructional event for consumers held at a retailer's premises
8 featuring wines produced by or for the winegrower or, imported
9 by the wine importer, subject to the following conditions:

10 (1) No premium, gift, free goods, or other thing of value may
11 be given away in connection with the instructional event by the
12 winegrower, California winegrower's agent, wine importer, or
13 retailer, except as authorized by this division.

14 (2) No alcoholic beverages may be given away in connection
15 with the instructional event except that wine, taken from ~~barrels~~
16 ~~or from tanks~~ *barrels, tanks, or bottles*, may be sampled at the
17 instructional event. For the purposes of this section, minimal
18 amounts of the samples provided for tasting at the instructional
19 event in addition to the wines being featured do not constitute a
20 thing of value.

21 (3) No alcoholic beverages may be sold at the instructional
22 event, except that orders for the sale of wine may be accepted by
23 the winegrower if the sales transaction is completed at the
24 winegrower's premises.

25 (b) Notwithstanding any other provision of this division, a
26 winegrower, California winegrower's agent, or wine importer, in
27 advance of an instructional event for consumers being held at a
28 retailer's premises, may list in an advertisement the name and
29 address of the retailer, the names of the wines being featured at
30 the instructional event, and the time, date, and location of, and
31 other information about, the instructional event, provided:

32 (1) The advertisement does not also contain the retail price of
33 the wines.

34 (2) The listing of the retailer's name and address is the only
35 reference to the retailer in the advertisement and is relatively
36 inconspicuous in relation to the advertisement as a whole. Pictures
37 or illustrations of the retailer's premises and laudatory references
38 to the retailer in these advertisements are not hereby authorized.

1 (c) Notwithstanding any other provision of this division, the
2 name and address of a winegrower, wine importer, or winegrower's
3 agent licensee, the brand names of wine being featured, and the
4 time, date, location, and other identifying information of a wine
5 promotional lecture at retail premises may be listed in advance of
6 the event in an advertisement of the off-sale or on-sale retail
7 licensee.

8 (d) Nothing in this section authorizes a winegrower, wine
9 importer, or winegrower's agent licensee to share in the costs, if
10 any, of the retailer licensee's advertisement.

11 (e) Nothing in this section authorizes any person to consume
12 any alcoholic beverage on any premises licensed with an off-sale
13 retail license.