For your information

The Oregon Liquor Control Commission has:

X Amended

Adopted

Repealed

OAR 845-006-0450

Effective: April 1, 2016

Note: Bold and underlined = new text; strikethrough and italics = deleted text

845-006-0450
Retail On-Premises Malt Beverage or Wine Sampling: Operating Requirements and Limits Malt Beverage, Wine, or Cider Tastings Involving Suppliers

The Commission allows certain other Oregon licensees to conduct or participate in malt beverage, cider, or wine sample tasting on Full On-Premises Sales, Limited On-Premises Sales, and Off-Premises Sales licensed premises as specified in OAR 845-005-0427, subject to the requirements and limits identified in this rule.

(1) Sample Sizes. The size of each sample must not exceed one and a half ounces for wine or cider and three ounces for malt beverages.

(2) Identified Tasting Area.

(a) Any Off-Premises Sales retailer who conducts tastings or who allows manufacturers to conduct tastings on the retail premises must identify a specific tasting area or areas.

(b) The area/s must be of a size and design such that the person/s conducting the tasting can observe and control persons in the area to ensure no minors or visibly intoxicated persons possess or consume alcohol.

(c) Customers must remain in the tasting area or areas until they have finished consuming the sample.

(d) The retailer must keep on file at the premises a floor plan identifying the tasting area(s).

(e) If a retailer does not have an identified tasting area or areas, the Commission may require prior approval of an area or areas before the retailer conducts any more tastings or allows any more manufacturer-conducted tastings on the premises.

(3) Number of In-Store Tastings.
(a) A manufacturer may be in each retail premises no more than eight times 12 days per calendar year for the purpose of tastings, including both manufacturer-conducted tastings and retail-conducted tastings where the manufacturer assists.

(b) There is no limit on the number of tastings a retailer may conduct, but the retailer must not allow a manufacturer on the retailer's premises more than eight times 12 days per calendar year for the purpose of tastings.

(4) Manufacturer Conducted Tastings. A manufacturer may hold tastings on consecutive days in one premises, but the tastings must not exceed two consecutive days. Tastings must be conducted at least four weeks apart. If a manufacturer holds tastings on two consecutive days, they must not hold another tasting on that retail premises for at least four weeks.

(5) Server Requirements. Alcohol servers must have a valid Oregon service permits.

(6) Record Keeping. The manufacturer or wholesaler must keep a record of each tasting they conduct, including the date and location of each event, the products served and the names of the servers.

(7) Manufacturer-Conducted Sample Tastings: Oregon law allows Oregon Winery, Grower Sales Privilege, Brewery, Brewery-Public House and Warehouse licensees and Oregon Certificate of Approval holders, for the product for which they hold the certificate, to conduct tastings if they:

(a) These license holders must provide the product to be tasted, and remove any remaining product at the end of the tasting;

(b) These license holders must provide or pay for a person to serve the wine, cider, or malt beverages. The server must be the manufacturer's employee or agent. The manufacturer may not compensate any employee or agent of the retail licensee to participate in the tasting; and

(c) The retailer may advertise these events. These license holders may advertise these events as allowed in OAR 845-013-0040;

(c) Do not advertise the tasting. The retailer may advertise the tasting only inside the licensed premises. An Oregon Wholesale Malt Beverage and Wine licensee may conduct tastings under this section only if representing a Certificate of Approval holder.

(8) Retailer-Conducted Tastings. Retailers with Full On-Premises Sales, Limited On-Premises Sales and Off-Premises Sales licenses may conduct tastings on their licensed premises and may only as follows:
(a) Accept assistance from manufacturers, wholesalers and warehouse licensees, and from certificate of approval holders if: The retail licensee must provide the product to be tasted.

(b) The retail licensee must provide the person to serve the wine, cider, or malt beverage. The server must be the retail licensee's employee or agent and may not be an employee or agent of an Oregon Winery, Grower Sales Privilege, Brewery, Brewery-Public House, Warehouse, Wholesale Malt Beverage and Wine licensee or an Oregon Certificate of Approval holder.

(c) The retail licensee may not accept any financial assistance from an Oregon Winery, Grower Sales Privilege, Brewery, Brewery-Public House, Warehouse, Wholesale Malt Beverage and Wine licensee or an Oregon Certificate of Approval holder.

(d) The retailer may advertise the tasting.

(e) The retailer may hold an unlimited number of retailer-conducted tastings.

(A) The only assistance provided is an employee to assist. Assist includes pouring if the person meets the requirements in subsection (5);

(B) The retailer pays for the wine, cider, or malt beverages; and

(C) The retailer is responsible for any advertising.

(b) Sponsor an unlimited number of tastings if there is no manufacturer, wholesaler, warehouse or certificate holder involved. The retailer may advertise these events.

(9) Prohibitions. Off-Premises Sales licensees at locations where petroleum products are sold shall not conduct or allow sample tasting on the licensed premises or otherwise at the licensed location, unless the licensee operates a fully enclosed retail area encompassing at least 20,000 square feet and tastings take place within that retail area.

Stat. Auth.: ORS 471, including 471.030, 471.040, 471.730(1) & (5)
Stats. Implemented: ORS 471.398 & 471.402
Hist.: OLCC 19-2000, f. 12-6-00, cert. ef. 1-1-01; OLCC 15-2002, f. 12-19-02, cert. ef. 1-1-03; OLCC 7-2003(Temp), f. & cert. ef. 5-20-03 thru 11-16-03; OLCC 12-2003, f. 9-23-03, cert. ef. 11-1-03

This version of the Oregon Administrative Rules has been published by the Oregon Liquor Control Commission. The Secretary of State has or shall compile, index and publish all rules adopted by the agency as required under ORS 183.360.

The Oregon Administrative Rules Compilation published by the Secretary of State under ORS 183.360 has copyright status. The Oregon Liquor Control Commission has written permission from the Secretary of State to print the agency’s administrative rules in order to provide information to those affected by its rules.