

Tastings by Retailers

TO: On- and off-premises retailers, including, but not limited to, bars, restaurants, hotels, motels, grocery stores, liquor stores, and convenience stores.

INTRODUCTION

The Iowa Alcoholic Beverages Division (Division) administers and enforces the laws of Iowa concerning beer, wine, and alcoholic liquor. The purpose of this bulletin is to provide clarification on the practice of *retailer-conducted* tastings. A tasting is the presentation and serving of a product to consumers for the purpose of market research, education, promotion of the product, or determination of the flavor of the product.

BACKGROUND

The Division is conducting a comprehensive review of its rules to update and provide clarity to stakeholders. The Division began by reviewing the tasting, sampling, and trade spending rule, which resulted in the adoption of three new separate rules and defining related terms. The new layout provides clarity and explains each subject matter in greater detail.

DISCUSSION

The newly adopted rule on tastings allows retailers to conduct tastings under the following guidelines:

The tasting amount per consumer must be limited to:

- No more than two ½ ounce tastes of any brand of alcoholic liquor,
- No more than two 1 ounce tastes of any brand of wine,
- No more than two 2 ounce tastes of any brand of beer or high alcoholic content beer, and
- No more than two 2 ounce tastes of a mixed drink or cocktail as defined in 185 Iowa Administrative Code section 4.5(1)“b”.

A retailer is prohibited from:

- Serving a taste to a consumer who is under legal age, intoxicated, or simulating intoxication, and
- Allowing a person under 18 years of age to serve a taste.

When conducting a tasting:

- An off-premise license or permit holder cannot charge for product or access to the tasting,
- Tastes must be served by a retailer, the retailer’s employees or agents, or an industry member who has the explicit consent of the retailer,
- The alcoholic beverages served during a tasting must be legally obtained by the retailer,
- The tasting must be limited to the types of alcoholic beverages available for purchase,
- The tasting must be held during the hours when alcoholic beverages may be legally sold or served, and
- Food may be offered to consumers.

Violations:

- A retailer who conducts a tasting that is found to be in violation of Iowa laws or rules may be subject to administrative sanctions, including, but not limited to, civil penalty, license suspension or license revocation.

CONCLUSION

Effective December 30, 2015, retailers shall conduct tastings in accordance with this bulletin.

QUESTIONS

If you have any questions concerning this bulletin, please contact Stephanie Strauss, Government Relations, at 515-281-7432 or Strauss@IowaABD.com.



Stephen Larson, Administrator

References and useful information:

State Law: 123.186(1)

State Rules: 185 Iowa Administrative Code chapter 16

Federal Regulations: 27 Code of Federal Regulation 6.95

Website Links: http://iowaabd.com/alcohol/regulation/alcohol_laws

The Alcoholic Beverages Division was created to administer and enforce the laws of Iowa concerning beer, wine and alcoholic liquor.

*This bulletin does not replace statutes, rules or court decisions.
This bulletin should not be considered legal advice or a substitute for legal counsel.*