

Virginia ABC Authority

In-Store Tasting Procedures



**Virginia Alcoholic Beverage
Control Authority**

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1 Solicitor Tasting Permit

Direct employees of a manufacturer, whether in state or out of state, are not required to have a tasting permit to conduct tasting events in VA ABC stores.

Individuals that are not direct employees of a manufacturer or are employees of a third party entity employed to promote that manufacturer's brand (including employees of brokers) must have a Solicitor Tasting Permit in order to conduct tasting events in VA ABC stores as per Virginia Alcoholic Beverage Control Laws § 4.1-119G and 4.1-212.

For application and instructions regarding a Solicitor Tasting Permit, see "Application for Solicitor Tasting Permit 805-97" - <https://www.abc.virginia.gov/library/licenses/pdfs/val/solicitor-tasting-permit-application.pdf>

For further information regarding permits, please contact:

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2 ALCOHOLIC BEVERAGE TASTINGS IN VIRGINIA ABC STORES

The purpose of in-store sampling is to introduce customers to products in an informative, low risk way. This is an opportunity for suppliers to get “liquid to lips” and educate customers on their products with the ultimate goal of the customer purchasing a bottle. To accomplish this tasting, representatives must be well trained and be able to share relevant product information with customers, including, but not limited to, how the product is made (primary ingredients, distilling technique, type of still, age, etc.), where the product is made, it’s history, tasting notes, suggested recipes, and any other relevant information.

The following procedures must be followed when conducting alcoholic beverage tasting events in Virginia ABC stores.

SCHEDULING

1. The window for scheduling tasting events for a given month is 30-45 days in advance of the beginning of the month being scheduled; starting on the 15th (e.g., January 15th – 31st will be the window for scheduling March tasting events.) Tastings are scheduled on a first-come, first-served basis. Suppliers are encouraged to schedule ahead of time to allow adequate time for ABC to send additional inventory to support the tasting. Suppliers must use the VA ABC MIPS (Management of Product Inventory and Sales) system to schedule tasting events. Only standard products and special-order products that are attached for replenishment to a store will be available for tasting at that store. In the event of system in-accessibility, the supplier should contact ABC Marketing immediately to resolve the schedule. The available schedule opportunities will be daily from 12-2 p.m., 3-5 p.m. and 6-8 p.m. Sunday or holiday tastings may have more limited availability subject to store hours. Suppliers are encouraged to check store hours before scheduling. In the event that a supplier needs to change a scheduled tasting appointment, the supplier should contact ABC Marketing. Suppliers will be notified via email when each month’s schedule is finalized, approximately three weeks before the beginning of the scheduled month.
2. Once ABC Marketing approves a tasting event, the Store Managers, District Managers and Assistant Retail Directors have final refusal rights. Store management determines in which area of the store the supplier will set up for the tasting event.
3. Except for wineries as noted below, under no circumstances may more than one supplier conduct alcoholic tasting events within the same store at the same time.
4. Suppliers offering samples of non-alcoholic products may schedule events directly with an individual store manager with the understanding that any events scheduled through the MIPS system will take precedence regardless of when the non-alcoholic tasting was scheduled. Non-alcoholic tastings do not require that food items be supplied for the customer.

SAMPLING GUIDELINES

5. Per the Code of Virginia, samples are limited as follows: “the quantity of wine or spirits provided to any person during the tasting does not exceed five ounces of wine or one and one-half ounces of spirits; however, for any spirits tastings, no single sample shall exceed one-half ounce per spirits product offered and not more than three spirits products may be offered to any patron.”

Sampling only canned cocktails and hard seltzers that are above 15 proof (7.5% ABV). Such products are considered spirits products, so, as noted above for spirits products 1) the quantity provided

to any person during the tasting cannot exceed one and one-half ounces, 2) no single sample shall exceed one-half ounce per product offered, and 3) not more than three products may be offered to any patron.

Sampling only low alcohol Virginia Made beverage coolers (canned cocktails and hard seltzers that are 15 proof (7.5% ABV) or below). Such products are treated as wine so the quantity provided to any person during the tasting cannot exceed five ounces.

Sampling products above and below 15 proof at the same event. If a supplier wants to sample both spirits products and low alcohol beverage coolers (canned cocktails and hard seltzers 15 proof and below), then the supplier may provide up to 3 oz. of LAB's and two ½ oz. samples of spirits.

If a mixed beverage is to be used as the sample, the supplier representative should have the final mix prepared in advance or follow a proven recipe, as no tasting of samples by the supplier representative for confirmation of flavor will be allowed while on duty. No spirits sample may contain more than one-half ounce of alcohol.

A Virginia winery may share a time slot with one to two other Virginia wineries with a maximum of three (3) wine products being offered per time slot. If Virginia wineries share a time slot, they are required to share the same tasting space during these scheduled tastings.

SUPPLIER RESPONSIBILITIES

6. As noted above, in-store tasting representatives must be well trained and be able to share relevant product information with customers, including, but not limited to, how the product is made (primary ingredients, distilling technique, type of still, age, etc.), where the product is made, it's history, tasting notes, suggested recipes, and any other relevant information.
7. Supplier will be required to provide:
 - a. A table - maximum size of 4'X'4 or 16 sq. ft. The Store Manager must approve any larger table in advance.
 - b. Cups, napkins, and other supplies
 - c. Snacks and food items such as cheese and crackers or similar products served in individual containers or bags.
 - d. Trained personnel to staff the table.
 - e. Trash bags and other clean up supplies
 - f. Electrical cords and other necessities including safety related features such as covers to keep customers from tripping over any exposed cords.
 - g. A receptacle for disposal of product if the customer chooses not to swallow the product.
 - h. Ice and cooler to chill products (if needed)

Because of limited storage space, tasting materials should be brought to the store and removed from the store on the day of the tasting.

8. The products used for the tasting event must be purchased from Virginia ABC at retail price. Only items currently listed and attached to that location may be tasted there. ABC will not allow items in a tasting event that are not already being sold at that location. Virginia ABC will allow one time buys to be sampled for Virginia Wines only. Sample stock may be sourced in the following ways:
 - j. The supplier representative may purchase the sampling product in advance of the event and leave it at the store, clearly marked as "SAMPLE" and labeled with the name of the firm scheduled to staff the event. Store personnel may turn this product over to that firm's representative after verifying their identity.

- k. The supplier should clearly mark the bottle "SAMPLE" so that it may not be confused with store inventory. The supplier is responsible for maintaining appropriate records to illustrate that samples have been purchased through Virginia ABC.
 - l. The representative conducting the tasting may purchase sample merchandise using cash or ABC gift card provided by the supplier.
9. The supplier and representatives will be solely responsible for 1) verifying the age and sobriety of consumers participating in the tasting event, and 2) enforcing the that no more than three (3) samples are provided to any customer. If a customer who receives a tasting sample later proves to have been underage or intoxicated and the tasting event is still in progress, the event will be terminated immediately by the store manager and the incident documented and e-mailed immediately to the District Manager, Assistant Retail Director, and Marketing staff.
 10. The supplier will be responsible for any slip/trip/fall or spills on the carpet that require cleanup. This responsibility is defined in the indemnity form signed and submitted prior to the tasting event.
 11. The supplier may place signage during the tasting event with prior Marketing approval of the signage. Virginia ABC may choose to post signage in advance advertising the tasting event.
 12. The supplier is responsible for cleanup and removal of trash at completion of the tasting. Supplier supplies, coolers and tables are to be removed from the area within 30 minutes of the tasting event's end.
 13. Any samples remaining at the end of the tasting event are the property of the supplier group and should be removed by supplier representatives or properly disposed.
 14. The supplier is responsible for the behavior and appearance of any representatives hired to work the tasting. Apparel should be similar to that worn in an office setting (business or business/casual). The supplier representatives will check in with the manager on duty upon arrival for the tasting and should be prepared to show identification to ABC Management including a copy of their Solicitor Tasting Permit and an ID showing the employee name and name of the company they represent. Supplier employees are not allowed to taste the samples while working an event at a Virginia ABC Store. The number of supplier employees present at any tasting event should range from one to four.
 15. The supplier employees must ensure that the consumer finishes the sample and/or discards the cup before leaving the sampling area. Consumers are not to carry samples around the store nor remove them from the store.
 16. Supplier employees may give customers logo merchandise such as hats, key chains, tee shirts and other merchandise as a part of the tasting event. These gift items must have a value less than \$10.00 and are limited to one item for each customer participating in the tasting event. No consumer is to receive more than one single gift item per tasting event. ABC employees – on or off duty - are not eligible to receive gift items being given away at the event.
 17. Suppliers will not be allowed to switch to alternate products during the tasting event unless upon arrival there is insufficient inventory to support the event. Sampling of competitors' products will not be allowed.

VIRGINIA ABC RESPONSIBILITIES

18. Virginia ABC employees are not allowed to taste product unless they have finished working for the day. Suppliers may not leave any samples for employees to taste after they have

finished their shift.

19. Virginia ABC employees are responsible for their usual verification of a customer's age and sobriety when that customer is making a purchase. The fact that the customer may have recently consumed a sample at the tasting event is not sufficient verification for ABC purposes and does not excuse ABC employees from that duty. If an ABC employee determines that a customer (who received a sample and is now attempting a purchase) is underage or intoxicated, that employee will notify Store Management who will terminate the tasting event immediately.
20. Virginia ABC will seek to ensure that a hosting store's on hand inventory level is at least twelve bottles of the listed product. If an individual product has consistently sold more than 12 bottles as determined by ABC Marketing, the level will be increased to the next case increment.
21. If issues arise to the extent that store management feels the tasting event should be terminated, the store manager on duty should contact their District Manager or Assistant Retail Directors. Marketing should be emailed the details for discussion with the appropriate supplier group.

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