

Chapter 13 Samples of Alcoholic Beverages

- 100 A manufacturer's representative and his employees, as described in Title 35, Part II, Subpart 2, Chapter 11 of the Mississippi Administrative Code may furnish one sample of a new product to any permitted retailer. This sample may be given to the permittee or to a manager on behalf of the permittee. Distribution of samples may occur only at the permitted business and only after approval of the Department. Samples are to be used for the promotion of that specific product and may not be used as a gift or an inducement to purchase other products.
- 101 A sample of an alcoholic beverage is defined as an alcoholic beverage not previously purchased by that permittee. The size limit per item of samples of alcoholic beverages allowed is to be determined by federal guidelines and/or regulations.
- 102 Each bottle of product distributed as a sample must be clearly labeled with the word "SAMPLE".
- 103 Products used for sampling may either (1) be delivered to the LDC Warehouse for distribution to the manufacturer's representative, or (2) if used by the representative for an on-premises permittee, may also be purchased by a manufacturer's representative from a package retailer permittee. If option (1) is utilized for sample use, the cases containing sample alcoholic beverages must be marked or stamped on at least two (2) sides of the case in bold letters with the word "SAMPLE" by the manufacturer prior to shipment. A separate bill of lading must accompany each case of sample alcoholic beverages and the word "SAMPLE" must be clearly marked on said bill of lading. Samples delivered pursuant to option (1) must be removed from the LDC Warehouse within 10 working days of receipt. Failure of the manufacturer's representative to remove samples from the LDC Warehouse upon the expiration of the ten (10) days will result in destruction of said products. The Division will not be responsible for any damages occurring while said products are stored in the LDC Warehouse. Regardless of whether distributed by LDC or purchased from a package retailer permittee, the bottle must be marked "Sample" by the manufacturer's representative or its employee before being used for sampling purposes. Any unused product may be taken by the manufacturer's representative to be offered as a sample at another location.
- 103.1 The manufacturer's representative is responsible for paying all freight costs, excise taxes, mark-up, sales or use taxes, and any other costs assessed on sample products upon receipt of that product from the LDC Warehouse. Distribution of any product on which taxes have not been paid is strictly prohibited.
- 103.2 New product may be withdrawn for sample use in a limited amount from bailment inventory if approved in writing by the manufacturer. Such written approval shall include a description of the product to be removed as well as the amount of product which may be removed. Regardless of authorization given by the Manufacturer, the quantity to be removed is subject to limitation by the Director of ABC. This product shall be used as samples by manufacturer representatives only for licensed permittees. Samples shall

never be allowed for trade shows. The product shall be labeled as samples as required by Paragraph 103 of this Chapter.

- 104 The manufacturer's representative and his employees shall, on or before the fifteenth day of each month, file a report with the Enforcement Section –detailing the distribution of sample products for the preceding month. This report must also include the storage location and amount, by brand, of all sample alcoholic beverages held by the manufacturer's representative or his employees pending distribution.
- 105 The willful failure to file such reports, the falsification of such reports, or the distribution of product samples inconsistent with the law or with this regulation may result in the suspension of the registration of a manufacturer's representative and his employees. In addition, the Department may delist the manufacturer's products.
- 106 A manufacturer's representative, or his employee, may transport sample alcoholic beverages anywhere within the state provided that such person has obtained authorization for transport from the Division. Such products must be stored outside the passenger compartment of a motor vehicle or in an enclosed container.
- 107 Package retailers may not consume samples of alcoholic beverages on their licensed premises.
 - 107.1 On-premises retailers, their managers and their employees, may consume sample alcoholic beverages only during legal hours of sale and in an area removed from the general public. The manufacturer's representative must be present during sampling.
 - 107.2 An on-premises permittee may assemble other permittees, along with their licensed managers or employees, for purposes of sampling alcoholic beverages. Consumption of sample alcoholic beverages must take place during legal hours of sale and in an area removed from the general public. The manufacturer's representative must be present during sampling. On-duty managers and employees are strictly prohibited from sampling alcoholic beverages.
- 108 No alcoholic beverage products distributed as samples may be sold, offered for sale, or distributed to any person by any permittee, manager, or employee of the permittee.
- 109 (Reserved)

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