

DIVISION OF ALCOHOL AND TOBACCO CONTROL



TASTING GUIDELINES – Manufacturers and Solicitors

The following guidelines on tastings will set out the legal requirements under Sections 311.070, 311.294, 311.297 and 311.310, RSMo, and 11CSRs 70-2.040 and 70-2.240, for tastings.

Tastings on Nonlicensed Premises:

Section 311.297.1 allows a winery, distiller, manufacturer, or brewer to provide and pour distilled spirits, wine, or malt beverage samples on nonlicensed premises for tastings as long as no sales transaction occurs. Could be used for home tasting parties..

Tastings on Tax Exempt Licensees, Caterers or Picnic Licensees Premises:

Section 311.297.2, allows a winery, distiller, manufacturer, or brewer to provide, furnish and pour for tasting purposes at picnic licensees events, caterers licensees events and also for tax exempt licensed premises, such as such as the VFW, or Knights of Columbus.

Tastings on Other Licensed Premises:

Any winery, distiller, manufacturer, or brewer or designated employee may provide or furnish distilled spirits, wine, or malt beverage samples on a retail by the drink premises or on an original package premises which has a tasting license under Section 311.294, RSMo. Following are various conditions/ requirements:

1. The industry member must have permission from the person holding the retail license, since the retail license could be suspended or revoked should violations of the liquor laws or regulations occur upon or about the licensed premises during such activities.
2. Retailer cannot be paid for the opportunity to conduct the tasting.
3. Alcoholic beverages shall not be supplied to persons less than twenty-one years of age or to intoxicated persons.
4. Alcoholic beverages may not be consumed during hours or days when consumption at a licensed premise is prohibited by law.

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5. Free tastings may not be advertised.
6. A retail by drink establishment may give the tasted product to the consumer or may charge.
7. Distilled spirits, wine, or malt beverage samples may be dispensed by an employee of the retailer, winery, distiller, manufacturer, or brewer or by a sampling service retained by the retailer, winery, distiller, manufacturer, or brewer. All sampling service employees that provide and pour intoxicating liquor samples on a licensed retail premises shall be required to complete a server training program approved by the division of alcohol and tobacco control.
(Please note that this change does not allow a wholesaler to pour alcohol samples, but wholesalers may furnish alcohol samples)
8. A winery, distiller, manufacturer or brewer may not under any circumstances provide other items – most commonly cheese or other food items – at any tastings.
9. **All remaining alcohol provided by the winery, distiller, manufacturer, or brewer shall be returned to the winery, distiller, manufacturer, or brewer.**