

11 CSR 70-2.270 Transfer and Registration of Lines or Brands of Spirituous Liquor and Wine

PURPOSE: This rule provides procedures for a supplier of spirituous liquor and wine to remove and/or create any additional distributor or any line or brand of product.

(1) The term supplier, as used in this regulation, means any person, partnership, or entity licensed as a manufacturer, distiller, vintner, rectifier, solicitor (or any employee or agent of the solicitor) which distributes wine or spirituous liquor to duly licensed wholesalers in this state.

(2) The term wholesaler, as used in this regulation, means any person, partnership, or entity (or any employee or agent of the enterprise) licensed to sell wine or spirituous liquor to duly licensed retailers in this state.

(3) No supplier may encourage, solicit, cause, or conspire with a wholesaler to evade or disobey any laws or regulations of the state of Missouri relating to intoxicating liquor. No supplier may, directly or indirectly, threaten to remove or remove a line or brand from a wholesaler because of the refusal or failure of the wholesaler to evade or disobey any laws or regulations of Missouri relating to intoxicating liquor. Nor may any supplier, directly or indirectly, threaten to or create an additional distributorship in retaliation against a wholesaler who refuses to evade or disobey any laws or regulations of Missouri relating to intoxicating liquor.

(4) All wholesalers are to register with the supervisor of Alcohol and Tobacco Control, the lines, brands, or both of alcoholic beverages which they handle and distribute in this state. No wholesaler may add an additional line or brand without first filing a statement under oath with the supervisor and with every other wholesaler affected. The statement shall contain the following:

(A) The name of each line or brand of spirituous liquor or wine which they will handle and distribute in this state and the anticipated date upon which the distribution of the line or brand is to begin;

(B) A certification that this additional line or brand is not being added in collusion with any supplier in retaliation against another wholesaler who refuses to evade or disobey any laws or regulations of Missouri relating to intoxicating liquor; and

(C) Prior to making any sale of any additional line or brand, each wholesaler shall comply with all other requirements relating to the posting of wholesale prices.

(5) Prior to removing a line or brand from one (1) wholesaler and/or prior to creating an additional distributorship on a line or brand, suppliers are to file with the supervisor a statement under oath containing the following:

(A) The name and address of each wholesaler to whom a line, brand, or both is being transferred or added;

(B) The name and address of each wholesaler from whom a line or brand is being removed;

(C) The name of each line or brand to be removed, transferred, or added; and

(D) A certification that this removal, transfer, or creation of an additional distributorship is not in retaliation against any wholesaler who refuses to evade or disobey any existing laws or regulations of Missouri relating to intoxicating liquor.

(6) A copy of this statement shall at the same time be delivered by mail or personal service to every wholesaler affected.

AUTHORITY: section 311.660, RSMo 2016. This version of rule filed April 16, 1975, effective April 26, 1975. Amended: Filed Oct. 10, 2018, effective May 30, 2019.*

**Original authority: 311.660, RSMo 1939, amended 1989.*

Brown-Forman Distillers Corp. v. Stewart, 520 SW2d 1 (Mo. banc 1975). Regulation 28, permitting supervisor of liquor control to prohibit the transfer of a brand or the creation of a dual distributorship absent the showing of a good business reason, ("without reasonable cause, which cause must be submitted to the supervisor of liquor control in writing") the employment of "reasonable cause" in regulation 28 renders it invalid and void because the language used is so sweeping and broad that it clothes the supervisor with arbitrary power that is incompatible with the test of "reasonableness" and it is "inconsistent" with the objectives of the Liquor Control Law and the legitimate evils sought to be eliminated.