

35-II-2-23 Sale of Soft Drinks, Ice, Juices, Mixers, and Other Items by Package Retailers

- 100 Package retailers may sell wine glasses, corkscrews, ice, soft drinks, juices, mixers, and other non-alcoholic beverages commonly used to mix with alcoholic beverages, for consumption off the premises.
- 101 Wine glasses shall include glassware that is manufactured and marketed primarily for wine consumption as well as plastic stemware commonly used in drinking wine. Other types of plastic containers, styrofoam, and paper cups of all other types are not included and may not be sold or used for consumption on the premises. In addition, industry supplied consumer items may not be offered for sale by package retailers.
- 102 Sales of ice must be limited to commercially bagged ice in original sealed and unopened bags containing five (5) or more pounds.
- 103 Soft drinks include original commercially sealed and unopened containers. Fountain drinks are not considered soft drinks under this regulation.
- 104 Juices shall include fresh, frozen, or concentrated non-alcoholic beverages extracted from fruits and vegetables of all types packaged in original commercially sealed and unopened containers.
- 105 Mixers are non-alcoholic beverages in a liquid and dry form commonly used to dilute or enhance an alcoholic drink or cocktail, packaged in original commercially sealed and unopened containers. The only dry mixers that shall be sold are those dry mixers which are specifically produced and marketed for the express purpose of mixing with the alcoholic beverage. Product commonly known as “margarita salt” is considered a dry mixer and may be sold by package retailers. Dry products which may be mixed with alcoholic drinks but which are not specifically produced and marketed for that purpose are not allowed. Any dry mixer about which there is any doubt shall be submitted to the Department for prior approval.
- 106 Sale of any items listed above shall in no way be used to promote, persuade, or influence the sale of alcoholic beverages. Therefore, the permittee cannot give as a gift or reduce the price of these items when the same is conditioned on the purchase of an alcoholic beverage.
- 107 Any questions regarding the permissibility of products intended for sale by package retailers governed by this regulation should be submitted, in writing, to the Chief of Enforcement.
- 108 A Manufacturer or its representative may, upon the consent of the Package Retailer, assemble bonus packs at the licensed premises so long as such items packaged with the alcohol are limited to those items listed in Section 100 of this Chapter. Bonus Packs are defined as the combination of an alcoholic beverage and another item listed in Section 100 of this Chapter. Such Section 100 items may be provided either by the package retailer or the Manufacturer or its representative. Package Store Retailers may not separate bonus

packs after such packs are assembled by the manufacturer or its representative. Further, a bonus pack must be assembled by the manufacturer or its representative. It may not be assembled by the package retailer nor may manufacturers provide bonus pack materials to the retailer for future assembly.

109 (Reserved)

35.II.2.23 revised effective December 1, 2020