



STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

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In the matter of the request of)
NEW BELGIUM BREWING COMPANY, INC.)
for a declaratory ruling concerning whether giving)
retailers a line cleaning tag and line cleaning letter)
constitutes providing something of value as prescribed)
in MCL 436.1609 and administrative rule R 436.1035)

At the November 8, 2012 meeting of the Michigan Liquor Control Commission in
Lansing, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Dennis Olshove, Commissioner

ABSENT: Teri L. Quimby, Commissioner

DENIAL ORDER
REQUEST FOR DECLARATORY RULING

The Commission received a request on October 9, 2012 for a Declaratory Ruling under administrative rule R 436.1971 from Creighton Deasy, New Belgium Brewing Company, Inc. (New Belgium). New Belgium is a licensee of the Michigan Liquor Control Commission (Commission) and holds an Outstate Seller of Beer license for the sale of beer which has not been manufactured in this state to a wholesaler. This request concerns the applicability of Section 609 of the Liquor Control Code of 1998 (Code), MCL 436.1609 and administrative rule R 436.1035 relating to the prohibition of a licensee or vendor of spirits aiding or assisting any other licensee by gift, loan of

money, property of any description or other valuable thing.

New Belgium, along with other wholesalers, breweries and industry groups, would like to provide retailers with a line cleaning tag and a line cleaning letter. The line cleaning letter lists guidelines and recommendations to ensure high quality products and to maximize profitability. This letter will list the industry partners (wholesalers, brewers, and industry groups) on the back of the letter. The line cleaning tag or draught beer line cleaning log contains the Brewers Association logo and is recommended to be posted in all keg coolers.

New Belgium maintains that neither of these pieces have any real value outside of educating retailers and ultimately consumers about the importance of clean draught beer systems. New Belgium states that the line cleaning tag would be supplied to retailers by wholesalers and allows line cleaning companies to sign after each draught cleaning so that retailers could show their support and verify a fixed cleaning cycle. New Belgium further advises that the line cleaning letter would be used to educate retailers about the importance of upkeep on draught beer systems and would be supplied to retailers by both wholesalers and breweries.

The Commission finds that the principal reason for denial of this request for declaratory ruling is that administrative rule R 436.1321(3) allows the Commission to approve advertising on anything of value, use or purpose. The wholesalers, breweries, and industry groups that wish to place their names and/or brands of beer on the line cleaning letter and the line cleaning tag or draught beer line cleaning log may request approval under administrative rule R 436.1321(3).

After reviewing the arguments made by New Belgium in the request for declaratory ruling, the Commission concludes that the line cleaning letter and line cleaning tag or draught beer line cleaning log may be submitted for Commission consideration under administrative rule R 436.1321(3) and declines to issue the requested declaratory ruling.

THEREFORE, IT IS ORDERED that New Belgium's request for declaratory ruling is DENIED.

MICHIGAN LIQUOR CONTROL COMMISSION

Andrew J. Deloney, Chairman

Dennis Olshove, Commissioner

Date: December 6, 2012