



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

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In the matter of Multi-Pack and Variety Cases,)
Distributed by the Authorized Distribution Agents)

General Wine & Liquor Company, Inc.)
373 Victor Avenue)
Highland Park, MI 48203)

NWS Michigan, LLC)
13000 Eckles Road)
Livonia, MI 48150)

Imperial Beverage Company)
3825 Emerald Drive)
Kalamazoo, MI 49001)
_____)

At the February 11, 2021 meeting of the Michigan Liquor Control Commission
(Commission) in Lansing, Michigan.

PRESENT: Pat Gagliardi, Chair
Dennis Olshove, Commissioner
Geraldyn A. Lasher, Commissioner

ADMINISTRATIVE ORDER NO. 2021-01

ADMENDMENT TO ADMINISTRATIVE ORDER
NO. 2020-13, MULTI-PACKS AND VARIETY
CASES

Article IV, Section 40, of the Constitution of Michigan (1963), permits the Legislature to establish a Liquor Control Commission, which shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to

statutory limitations. The Commission has the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the manufacture, importation, possession, transportation, and sale thereof, subject to the Liquor Control Code's provisions. MCL 436.1201(2). Further, the Commission may establish, by order, further business operating procedures for authorized distribution agents (ADAs) relative to the wholesaling and distribution of spirits. Mich Admin Code, R 436.1802(14).

In order to regulate distilled spirit products offered for sale within the state, the Commission finds that Administrative Order 2020-13, which was issued on April 7, 2020, should be amended to address multi-pack distilled spirit products and bottle sizes.

After review and discussion of these issues at the meeting, the Commission finds that Administrative Order 2020-13, dated April 7, 2020, should be rescinded and replaced with this administrative order. The only substantive changes this order makes to Administrative Order 2020-13 are to allow the vendor/supplier of a spirits product to offer more than one multi-pack per brand and bottle size of a distilled spirit and to add 355 ML as a standard bottle size value for multi-packs and as products that are part of value-added packages contained in variety cases. Paragraph I of that order has been deleted because the relevant dates have passed.

THEREFORE, IT IS ORDERED THAT:

- A. Administrative Orders 2020-02 and 2020-13 issued by the Commission regarding distilled spirit multi-pack and variety case requirements are rescinded.
- B. A vendor/supplier may offer for sale multi-packs and variety cases that meet the following requirements, after approval by the Commission with a liquor code assigned:
 1. A "multi-pack" contains two or more bottles of a distilled spirit that are sold together as a unit to the consumer. A multi-pack is subject to the following:
 - a. The multi-pack may contain all the same or different spirit products in the package.
 - b. The vendor/supplier may offer more than one multi-pack per brand and bottle size of a distilled spirit.

- c. The multi-pack may only include standard bottle size values.
 - d. Standard bottle size values are 50 milliliters (ML), 100 ML, 200 ML, 355 ML, 375 ML, 750 ML, 1000 ML and 1750 ML. Each 50 ML, 100 ML, 200 ML, 355 ML, 375 ML, 750 ML, 1000 ML or 1750 ML distilled spirit bottle cannot be composed of smaller sizes to “equal” a standard bottle size, unless the smaller sizes are comprised of concentrated distilled spirits.
 - e. The multi-pack must only contain spirits currently listed with the Commission.
 - f. The retail shelf price of the multi-pack must be equal to or greater than the combined retail shelf prices of the individual items.
2. A “variety case” consists of different distilled spirit products in a case that cannot be split. The distilled spirit products in a variety case must either be 50 ML or 100 ML bottles or value-added packages. Permission to sell variety cases is subject to the following:
- a. All products in a variety case must be currently listed with the Commission.
 - b. Distilled spirit products in 200 ML, 355 ML, 375 ML, 750 ML, 1000 ML and 1750 ML bottles must be part of value added packages and quoted in the Electronic Quotation System (E-Quote) as a value-added package before consideration as a variety case.
 - c. Distilled spirit products in 200 ML, 355 ML, 375 ML, 750 ML, 1000 ML, and 1750 ML bottles must include a value added item attached to each of those size bottles in the variety case.
 - d. Distilled spirit products in 50 ML, 100 ML, 200 ML, 355 ML, 375 ML, 750 ML, 1000 ML, and 1750 ML distilled spirit bottles cannot be composed of smaller sizes to “equal” a standard bottle size, unless the smaller sizes are comprised of concentrated distilled spirits.

- C. A product cannot be filed in E-Quote as a multi-pack and as a variety case.
- D. For all multi-pack and variety case submissions in E-Quote, a vendor/supplier must complete the comments section to include the brand name, flavor, and proof of each type of product in the multi-pack or variety case. The proof quoted in the "proof" field must be the lowest proof in the multi-pack or variety case. The Alcohol and Tobacco Tax and Trade Bureau label must reflect the same proof/product.
- E. The certified ADAs may warehouse and distribute only those distilled spirit multi-packs and variety cases that have been approved by the Commission.
- F. The certified ADAs shall not separate any of the items contained in a distilled spirit multi-pack or variety case approved by the Commission.
- G. Licensed off-premises retailers shall not separate any of the items contained in a distilled spirit multi-pack approved by the Commission.
- H. This Administrative Order will take effect when the Commission provides notice on its website, www.michigan.gov/lcc, that the programming updates necessary to accommodate 355 ML bottle sizes have been completed.

MICHIGAN LIQUOR CONTROL COMMISSION



Pat Gagliardi, Chair



Dennis Olshove, Commissioner



GERALYN A. LASHER, Commissioner