



*The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, MA 02114*

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**THE ALCOHOLIC BEVERAGES CONTROL COMMISSION (“ABCC”) ADVISORY
ON FARMER WINERY AUTHORIZATION TO CHARGE FOR SAMPLES**

Effective July 11, 2014, the Massachusetts Legislature amended M.G.L. c. 138, §19B(g)(6) to allow Farmer Winery Licensees, which do not hold a Farmer Series Pouring Permit, to charge a fee to their customers for on-premises sampling of their winery products

Accordingly, farmer-wineries are now authorized to sell samples of their wine or winery products subject to the following limitations:

- The sample must be consumed on the winery premises;
- The sample must be a product of the Farmer-Winery;
- The sample cannot exceed 1 ounce; and
- No individual shall be served more than 5 such samples.

Prior to the amendment, Farmer-Winery Licensee were required to hold a Farmer Series Pouring Permit authorized by the both the Local Licensing Authorities and the ABCC for on-premises consumption of its products, including samples. An exception to this rule existed if the Farmer-Winery wished to provide on-premises sampling free of charge. In that situation, a Farmer-Winery could petition the Local Licensing Authorities to make a determination that its delivery of free samples did not constitute a sale under M.G.L. c. 138, §2 and thus no Farmer-Series Pouring Permit was necessary.

This Amendment permits a Farmer-Winery to charge a fee to customers for on-premises samples without obtaining a Farmer-Series Pouring Permit. However, Farmer Wineries who serve their products (outside of samples) to their customers for on-premises consumption must hold a properly issued Farmer Series Pouring Permit.

As always, all licensees must ensure that they are in compliance with the Laws of the Commonwealth of Massachusetts, and that sales of alcoholic beverages take place only as authorized by applicable law. Individuals with questions concerning this advisory may contact Ralph Sacramone, Executive Director, at 617-727-3040 x 731.

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