

INSTRUCTIONS AND GENERAL INFORMATION

General Information

Introduction – Certain licensees, listed below, are required to file (“post”) Malt Beverage Price Schedules. Price schedules contain, among other things, the prices at which individual sales are made for immediate delivery to wholesale and retail licensees. The goal of price posting is to help maintain an “orderly market” by preventing wholesale licensees from constantly changing their prices and undercutting each other.

Who is Required to Post Prices – The following licensees are required to post prices:

- Type 01 – Beer Manufacturer
- Type 10 – Beer and Wine Importer’s General
- Type 17 – Beer and Wine Wholesaler
- Type 23 – Small Beer Manufacturer
- Type 26 – Out-of-State Beer Manufacturer
- Holder of Certificates of Compliance
- Type 75 – Brewpub-Restaurant, but only when beer is sold to wholesalers for resale

Procedure – You must file prices with the Department in Sacramento. Use one original Malt Beverage Price Schedule (For ABC-701) for each county or approved trading area within a county.

Within a county, you may post different prices for different trading areas involving market geographical differences. However, the trading areas must be clearly described and approved. A copy of your FORM ABC-701 for each county must be retained on your licensed premises.

Price schedules should be completed on a computer or typewriter. Manual completion is acceptable if the schedule is legible. Illegible or incomplete schedules cannot be accepted.

Malt beverage price schedules may be filed in person, by U.S. mail, email, express courier companies (e.g., UPS, FedEx, etc.) or by fax. The fax number for the Price Posting Unit is (916) 928-7625. Prices schedules may be faxed between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except legal holidays.

Please use a cover sheet for all fax transmissions. The cover should include the number of sheets being sent, the specific sheet numbers and counties involved, and the name and voice telephone number of the licensee’s contact person.

If you wish to email your price schedules, complete form ABC-702, Electronic Price Posting Application, and email it to priceposting@abc.ca.gov.

Upon receipt, each price scheduled is placed in the licensee’s file and kept there for one year from the date the schedule is superseded by a newer schedule. After the one-year period, schedules are removed from the files and purged.

Because price schedules are public documents once the prices become effective, you may visit Headquarters to review competitors’ prices. Due to the limited space available for the public, the Price Posting Unit makes appointments to avoid overcrowding.

Form ABC-701 is available on the Department’s website www.abc.ca.gov under the “eservices” tab. It is then the licensee’s responsibility to make copies as needed. Altered forms will not be accepted without prior approval of the Headquarters Price Posting Unit.

- **Incorrect Price Schedules.** Price schedules must comply strictly with the following instructions without modification or qualification. Price schedules that do not conform with the instructions will not be filed and will be returned for correction.
- **Show Price Changes.** On both regular and competitive price schedules, underline or otherwise show the price that is being changed. Include all items on the sheet it replaces.
- **Competitive Schedules.** Where you wish to secure a lower price by competition and have regular prices changes effective in ten days on other items on the schedule, you should prepare two separate schedules. The competitive schedule should be submitted first to get the competitive prices that would be effective immediately or when the competitor’s prices are effective. This competitive schedule would then be superseded by schedules on which you include the prices changes requiring the ten-day waiting period.

Note: A separate procedure has been developed to accommodate competitive posting situations that involve previously filed, but not yet effective, price schedules. Contact the Price Posting Unit at (916) 419-2571 for more information.

- **Discontinued Brands.** To withdraw a schedule of discontinued brands of beer, you should file superseding schedules for each county or trading area in which prices are filed.

If you have more than one brand on a sheet, the superseding schedule should include the items and prices of the active brands and show “X” brand discontinued. Do not show prices for discontinued brands.

If all items on a given sheet are to be discontinued, draw an “X” through the sheet and indicate “Entire Sheet Discontinued.”

Instructions

Item 1 (Effective Date of this Schedule) – Insert the date when the schedule is to be effective.

Item 2 (Licensee Name) – Insert the name of the licensee filing the schedule. Use the legal name of the licensee, not the trade name (dba).

Item 2 (Doing Business As) – Insert the trade name of the business (dba).

Item 4 (Premises Address) – Insert the street number and name, city, state, and zip code of the licensee’s premises. Add the mailing address, if different, below the premises address.

Item 5 (Phone Number) – Enter the voice telephone number of the licensee’s contact person. Fax number is optional.

Item 6 (Current License Number) – Enter the current license number in effect at the time you file the price schedule.

Item 7 (Sheet Number) – If you have more than one schedule (sheet) for any county or trading area within a county, number your schedules consecutively beginning with number 1 for each county or trading area. (Trading areas can be established within a county where there are marked geographical differences within the county.) For example, if you sell three brands of beer name Beer A, Beer B, and Beer C in Fresno, Madera and Tulare Counties, your sheet numbers would be as follows:

<u>Fresno County</u>	<u>Tulare County</u>	<u>Madera County</u>
Beer A – Sheet 1	Beer A – Sheet 1	Beer A – Sheet 1
Beer B – Sheet 2	Beer B – Sheet 2	Beer B – Sheet 2
Beer C – Sheet 3	Beer C – Sheet 3	Beer C – Sheet 3

If another brand (Beer D) is added and sold in all three counties, the schedule would become Sheet 4 in each county. When changing prices or adding new products to an existing schedule, place the same sheet number on the new schedules showing all items you still sell. The schedule should be dated with the date it is prepared.

Item 8 (Superseding Sheet Number) – The sheet number and the date of the schedule that is being replaced. Generally, sheet numbers stay the same and only the date will be different.

Item 9 (County and Trading Area Within County) – Prices must be posted for each county where the purchaser’s premises is located. List the name of the county in Item 9. If separate prices are filed for an approved trading area within a county, specify the name of that trading area after the county name. It is not necessary to create a new sheet number for a separate trading area. If you sell to federal enclaves (e.g., military bases or national parks) and your prices are different than those to the civilian trade, indicate “Federal Enclave” after the name of the county.

Item 10 (This is a First and Original Schedule of Prices) – Answer yes or no. (Note: First and original price schedule is effective immediately.)

Item 11 (Schedule is Filed to Meet Lower Posted and Filed Competing Prices) – Answer yes or no. (If yes, fill in Items 12, 13 and 14. If no, skip to Item 15.)

Item 12 (Which Distributor) – Enter the name of the licensee (no dba) against whom you are competing. A licensee cannot compete against itself.

Item 13 (Which Brand) – Enter the name of the brand against which you are competing.

Item 14 (Which County) – Enter the county where your competitor’s prices are posted, which must be the same county as that in which you are meeting their price. This should be the same county or trading area listed in Item 9.

Item 15 (Brand and Beverage) – Specify the brand name as shown on the label and list the type of malt beverage; i.e., beer, ale, porter, brown, stout, malt liquor, etc. All items that differ with respect to labels, caps, package sizes, container sizes or types (bottle, can, keg, barrel), etc., must be listed as separate items on the schedule.

Item 16 (Package) – Specify the number of bottles or cans per case. Leave blank when listing draught prices.

Item 17 (Contents) – Specify the number of ounces in bottles or cans as to case goods; specify whether a barrel or fraction of a barrel as to draught goods. If showing a fraction, show what fraction; e.g., 1/8, 1/4, or 1/2. Use the following abbreviations: “Oz.” for ounces and “B” for draught goods.

Item 18 (Prices to: Wholesalers and Retailers) – Specify prices in dollars and cents of individual sales for immediate delivery to wholesale licensees where the beverage is for resale to other licensees. When price is not FOB, the price must be for delivery to one premises. In the case of brewers who sell to both wholesalers and retailers, both prices must be included on the same schedule in the appropriate columns. The filing of price schedules is not required in the case of the sale or transfer of beer between two wholesalers who sell the same brand in package.

Specify the price in dollars and cents at which individual sales are made to retail licensee for immediate delivery. Where the price is not FOB, the price must be for delivery to one premises.

Note: California Redemption Value (CRV) should be included in the case price listed in the appropriate column(s) if the filing licensee collects CRV from the purchasing licensee. If the purchaser is not required to pay CRV (e.g., airlines, and other common carriers), not the bottom of the schedule: “Above prices include CRV except where exempt by law.”

Item 19 (FOB or Delivered) – Specify whether a price is FOB (freight on board) or DEL (delivered). If FOB, show from what city. Use abbreviations “FOB” or “DEL”. A “dock price” filed by a wholesaler is considered an FOB price and is generally understood to be the price of the item at the wholesaler’s warehouse. A “DEL” price includes delivery by the selling licensee to the purchaser’s premises.

Item 20 (Container Charge/Deposit) – Specify the dollar amount in addition to the price of (1) charge as to case goods for containers and/or bottles; or (2) deposit, as to draught goods. Use the following abbreviations: “C” for wooden case, “K” for cardboard cartons, “F” for fiber case, and “B” for draught container.

Note: California Redemption Value (CRV) should not be listed as a separate item in this column. If the filing licensee collects CRV from the purchasing licensee, it must be included in the case price shown in the appropriate “Prices TO” column(s).

Item 21 (Freight on Empties) – Specify whether freight is paid on empties returned and, if so, from what point.

Item 22 (Authorized Signature) – Signature of the licensee or other authorized person.

Item 23 (Title) – Title of the person signing the schedule (“V.P. of Sales”, “Sales Manager”, Pricing Coordinator”, “Office Manager”, et.).

Item 24 (Date Signed) – Insert the date the schedule was signed.

Alcoholic Beverage Control Act

Related Statutes. These statutes can be found on the Department’s website www.abc.ca.gov under the “Laws & Regs” tab.

Chapter 12. Beer Price Posting and Marketing Regulations

25000. **Beer price schedules; Filing.**

25000.5. **Sales territorial limits.**

25001. **Beer price schedules; Change or modification.**

25002. **Beer price schedules; Effective date.**

25003. **Beer price schedules; Public inspection.**

25004. **Departure from schedule by licensee.**

25005. **Abetting violations by licensee.**

Rule 105. **Beer Price Posting.**