

**TITLE 45. ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION
CHAPTER 30. MANUFACTURERS, WINE AND SPIRITS WHOLESALERS,
BREWERS, NONRESIDENT SELLERS AND BEER DISTRIBUTORS**

SUBCHAPTER 3. MANUFACTURERS AND WINE AND SPIRITS WHOLESALERS

45:30-3-19. Procedures for Determining Top 25 Brands

(a) All Wine and Spirit Wholesalers licensed as of June 1, 2019 shall, no later than July 10, 2019, submit electronically to the Commission an affidavit stating the top thirty brands of wine and spirits by liters sold excluding sales to other wholesalers during the period of July 1, 2018 through June 30, 2019. Such affidavit shall provide the total liters of sales of each listed brand during the above stated twelve month period.

(b) All licensed Wine and Spirit Wholesalers shall, on the first day of the months of January, March, May, July, September, and November, electronically submit an affidavit to the ABLE Commission providing its sales records for its top thirty selling brands by liters during the previous 60 day time period, excluding sales to other wholesalers.

(c) The ABLE Commission shall provide a list denoting the top 25 brands of wine and spirits in liters sold in the State to all affected wholesalers and manufacturers on the 15th day of the months of February, May, August, and November. Such list shall be effective approximately 45 days after its publication, to begin on the first day of each quarter of the year.

(d) For purposes of this section, "brand" shall mean any name, group of letters, symbols, or combinations thereof that is used by a manufacturer to identify a specific product, and shall include all bottle sizes of that brand offered by the manufacturer. Products differing in class, type, age, flavor or proof shall be considered a separate brand.

45:30-3-20. Posting Procedures for Top 25 Brands

(a) On the first day of the month following notice from the ABLE Commission of the next quarter's top 25 brand list, all manufacturers of such brands shall electronically submit to the ABLE Commission a price posting for its subject brands including an F.O.B. point within the United States. Such postings shall be effective on the first day of the month following its posting for sale to all licensed Wine and Spirit Wholesalers.

(b) On the fifteenth day of every month, every Wine and Spirit Wholesaler intending to sell any of the State's top 25 brands during the following month shall electronically submit a line item posting to the ABLE Commission in accordance to 37A O.S. 3-116.2. Such line item posting shall be effective on the first day of the following month.

45:30-3-21. Example Schedule for Top 25 Brands

(a) The following example schedule is intended to provide manufacturers and Wine and Spirit Wholesalers with further guidance in complying with OAC 45:30-3-19 and 45:30-3-20:

(1) November 15, 2019, the ABLE Commission publishes a list of the top 25 wine and spirit brands in the State for 1st Quarter 2020 based on figures provided through affidavits of Wine and Spirit Wholesalers of sales for the prior 60 days;

(2) December 1, 2019 manufacturers of the top 25 brands submit to the ABLE Commission their price posting of their effected products to be effective January 1, 2020;

(3) December 15, 2019 Wine and Spirit Wholesalers intending to purchase and sell any of the top 25 brands submit their line item posting for such products to the ABLE Commission to be

effective January 1, 2020;

(4) January 1, 2020 Wine and Spirit Wholesalers submit affidavit denoting top 30 selling brands for past 60 days.

45:30-3-22. Brands no longer subject to Top 25 distinction

(a) In the event a brand is removed by the ABLE Commission from the Top 25 brand list for any given quarter, the manufacturer of such brand, upon notice from the ABLE Commission, may continue to sell its products in the State by electing a designated Wine and Spirit Wholesaler or continuing to sell to all Wine and Spirit Wholesalers.

(b) Any Wine and Spirit Wholesaler who has lawfully obtained inventory of a brand no longer among the Top 25 brands in the State may continue to sell such inventory until depleted pursuant to Oklahoma Attorney General Opinion 2018-6. Further, such sales shall be made at the designated Wine and Spirit Wholesalers line item price posting pursuant to the ABLE Commission declaratory ruling of September 21, 2018.