

June 24, 2022

To All Interested Licensees:

To clarify ambiguities concerning the prohibition from offering certain inducements contained in 37A O.S. §3-123 and Oklahoma Administrative Code 45:10-3-25, the Alcoholic Beverages Law Enforcement Commission seeks to provide guidance for all industry members outlined in the citations. These provisions several activities commonly referred to as “merchandising activity”.

**ALLOWED ACTS:**

- Initial setting up or resetting product on store shelving due to unforeseeable act.
- Building and stocking displays (Including empty box/debris removal from the display building process)
- Stocking cold boxes.
- Keeping Industry member products properly stored and rotated in non-retail storage areas
- Rotation of perishable dated product on retail shelves.

**DEFINITIONS FOR THE PURPOSE OF 37A O.S. §3-123 AND OAC 45:10-3-25:**

**SHELF:** any retailer provided retail store fixture, not easily moveable, semi-permanent store fixture that is in a place all day, every day. Its purpose is the regular holding of products for continual stock that are available the majority of the time to consumers in the normal course of business. A consumer can expect to find a particular product on this shelf in the same place on most trips to that retailer.

**DISPLAY:** a point of display furnished by an industry member, other than a retailer, that revolves around a seasonal, temporarily featured, or new product. A display is easily installed and/or removed. Displays could include vendor or manufacturer provided point of sale decorations around holidays, events or seasonal product releases. Displays could include, but not limited to, pallets in aisles, case stacks, cardboard “surrounds” over case stacks, or “pop up” fixtures.

No further guidance on this subject should be expected, all complaints of violations will be investigated and prosecuted pursuant to the Oklahoma Alcoholic Beverage Control Act, and the Administrative Procedures Act.

Thank you,



A. Keith Burt, Director  
Oklahoma ABLE Commission