

***** DRAFT - NOT YET FILED *****

4301:1-1-72

Minimum markup on beer.

This rule reflects the policy and intent of the commission to maintain effective control over the sale and distribution of beer, an alcoholic beverage, and to prevent abuses caused by the disorderly and unregulated sale of beer. Mandatory price markups: prevent aggressive sales practices that improperly stimulate purchase and consumption, thereby endangering the state's efforts to promote responsible, and discourage intemperate, consumption of alcoholic beverages; eliminate discriminatory sales practices that threaten the survival of wholesale distributors and retail permit holders; preserve orderly competition; ensure fair prices over the long term; assure adequate consumer choice; and promote compliance with Ohio law and rule.

- (A) This rule shall apply to all retail sales of beer, not for consumption on the premises where sold and in sealed containers, by A-1, A-1A, B-1, C-1, C-2X, D-1, D-2X or D-5 permit holders.
- (B) The minimum retail selling price of beer, whether by the bottle, can, case, or keg, shall be determined in the following manner:
- (1) The minimum retail selling price for retail sales made by a manufacturer shall be computed by adding a minimum markup of not less than twenty-five percent to the wholesale invoice price for sales by the manufacturer to retail permit holders for the same product and brand in the same size container.
 - (2) The minimum retail selling price for retail sales made by a wholesale distributor shall be computed by adding a minimum markup of not less than twenty-five percent to the wholesale invoice price for sales by the wholesale distributor to retail permit holders for the same product and brand in the same size container.
 - (3) The minimum retail selling price for retail sales made by a retail permit holder shall be computed by adding a minimum markup of not less than twenty-five percent to the wholesale invoice price to them for that product and brand in the same size container,
 - (4) Deposit charges for the bottle, can, case, or keg shall not be included as part of the cost or included in any computation for determining the minimum retail selling price with respect to any class of liquor permit holders.
 - (5) The minimum retail selling price of beer packaged by the manufacturer to be sold as an individual sealed container shall be computed, to the nearest cent, by dividing the number of individual sealed containers in an original shipping carton or case into the minimum retail selling price, as computed herein, for that shipping carton or case.

~~(6)~~(C) Except as otherwise provided in this paragraph, beer ~~Beer~~ packaged by the manufacturer to be sold as part of a multiple-container package may not be repackaged or split apart by a retail permit holder into smaller, multiple-container packages of the same brand.

(1) When not prohibited by the manufacturer, individual containers of beer purchased as part of a multiple-container package may be sold as individuals.

(2) When not prohibited by the manufacturer, a retail permit holder may sell beer in packages containing two or more brands, otherwise known as "mix and match," provided the products contained in the package are selected by the consumer and the minimum markup requirement is met for each container in the "mix and match" package.