



Dave Heineman
Governor

STATE OF NEBRASKA

NEBRASKA LIQUOR CONTROL COMMISSION
Hobert B. Rupe

Executive Director
301 Centennial Mall South, 5th Floor
P.O. Box 95046
Lincoln, Nebraska 68509-5046
Phone (402) 471-2571
Fax (402) 471-2814 or (402) 471-2374
TRS USER 800 833-7352 (TTY)
web address: <http://www.lcc.ne.gov/>

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ATTENTION: All Retail and Wholesale Licensees

Please be advised of the rules and regulations that set forth the legal reasons when products may be returned back to the wholesale beer or wine and spirit liquor licensee. The attachment is an outline of Federal regulations the Commission endorses which clearly defines when the product can or cannot be returned. These rules are being strictly enforced. Please review the following events carefully.

1. Retail ordering of product for any special event out of the realm of normal day to day business operations:
 - a) If an SDL is not part of the event and you as the retail licensee over purchased product, that remaining product cannot be returned to the wholesaler. This would fall into the illegal arena as consignment sales and leaves your license open to citation along with the wholesale licensee.
 - b) If an SDL is part of the event, you as the retail licensee must request an exemption to the return regulation on your SDL application, provided the return of alcoholic beverage does not or will not fall into the seven day window allowed by Chapter 6, Licensee Operations 019.01W (See attached). Please contact Licensing Division Manager, Mary Messman, for any details or questions along these lines.
2. Industry members (Retail and Wholesale licensees) - Inventory Resets - Liquor Control Regulations Chapter 6, 016.05B. Please be reminded that any product identified in the reset that is not selling or moving cannot be returned to the wholesaler. This is not a legal reason when product is allowed to be returned.
3. Any pattern identified or evidence whereby retailer with intent to simply leave product go outdated and then request wholesaler to take back as a return under Rule Part 11:32 – Defective Products, will be reviewed very closely by Investigative Services. This is classified as yellow light activity under Nebraska Statute 53-168, Accepting or Creating Something of Value.

Janice M. Wiebusch
Commissioner

Robert Batt
Chairman

William F. Austin
Commissioner

4. Under Statute 53-168 the specific provision (it shall be unlawful for any person having a retail license to accept anything of value from a person holding a wholesale license outside of the exceptions identified in Chapter 6, Licensee Operations 016) any retail licensee demands for services or other from a wholesale licensee outside of the exceptions will be classified as yellow light activity both at State and Federal levels. Example: Retailer demands wholesale licensee to conduct janitorial services at the retail premise. Any activity as such or other may trip a field investigation. Please review closely aforementioned Trade Practice Regulations. If the practice is not listed as an exception, it is illegal for the wholesaler to perform and retailer to accept.

If you, as a retail licensee, are a party to an illegal return, your retail license along with the wholesale license is open to a citation from the Nebraska Liquor Control Commission. Please review these regulations very carefully. If you have any questions, please contact Jerry Van Ackeren, Auditor, at jerry.vanackeren@nebraska.gov or Hobert Rupe, at hobert.rupe@nebraska.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hobert B. Rupe', with a long horizontal flourish extending to the right.

Hobert B. Rupe
Executive Director
Nebraska Liquor Control Commission

RETURN OF PRODUCT FROM RETAILER TO WHOLESALER

Can a wholesaler pick up product from a retailer that is good; not outdated or damaged?

No.

Can a wholesaler pick up product from a retailer that is good, if the retailer was issued a special designated license?

Yes, within seven days after event. If after the seven day window is allowed with exemption 53-168/169.

Can a wholesaler pick up product from a nonprofit organization that was issued a special designated license?

Yes, within seven days after event. If after the seven day window is allowed with exemption 53-168/169.

A retailer or caterer may ask for a waiver for return of good product, for cause.

Example would be of bad weather and low turnout for the event caused excess alcohol.

This request must be filed after the event, not before.

Retailer, which also, has caterer license that links to a SDL event, is allowed to return product to the respective wholesale licensee within the seven days after the event.