

West Virginia Alcohol Beverage Control Administration

Private Barrel Selection Procedure

I. Purpose

To establish procedures for staff, vendors and brokers for order of Private Barrel selections from Distillers (mini-distillers or micro distillers) and for licensed retail liquor outlets to apply, choose, obtain and sell Private Barrel selections to groups and individuals.

II. Definitions

- a. “Private Barrel” is an exclusive barrel of whiskey or spirit that a retail liquor outlet, private club, group or individual may choose from a distillery or vendor who has a listed product with the WVABCA.
- b. “Private Barrel Yield” is the final production of the Private Barrel after the yield is bottled and labeled in such a way as to clearly distinguish it, as an other than ordinary or standard distillery release of listed product; and the bottled and labeled product is to be shipped, with or without, the empty barrel to the WVABCA Bailment Warehouse.
- c. “Private Barrel Selection Approval Form” is the WVABCA form required to be filed by the distillery or vendor prior to any retail liquor outlet, group or individual ordering, or receiving, a barrel via a retail liquor outlet.
- d. “Group” is an association, fraternal organization, non-profit organization or a number of individuals organized and acting as a group.

III. Procedure

- a. How a retail liquor outlet, private club, group or individual may request a “Private Barrel Selection”
 - i. The retail liquor outlet, private club, group or individual will work directly with the distillery or vendor, who has a listed product with the WVABCA, to choose a barrel from the distillery.
- b. How the Distillery or Vendor who has a listed product with the WVABCA will respond to a Private Barrel Selection request

- i. The distillery or vendor will notify the WVABCA of a Private Barrel Selection by submitting a Private Barrel Selection Approval Form signed by both the distillery and an authorized representative of the group or the individual purchasing the barrel, and a photo of the barrel identification (top of the barrel), a photo of the distinct bottle label and a photo of the finished product. The photos may be submitted during each phase of the private barrel selection process.
 - ii. Upon approval by the WVABCA of the private barrel selection form and the label, as provided in photos by the distillery, the WVABCA's staff will notify the distillery, retail liquor outlet and the group or individual of the approval. Subsequently, the WVABCA staff will, provide a product code and generate the Advanced Shipping Notice (ASN), set the backorder of cases from the Private Barrel Yield for the specified retail liquor outlet listed on the Private Barrel Selection Form. At this time, the Distiller or Vendor who has listed this product with the WVABCA may ship the Private Barrel Section and its bottled yield to the WVABCA's Bailment Warehouse, per the ASN authorization and update the Private Barrel Selection Form as needed.
 - iii. A distillery may not sell a barrel from its licensed distillery premises, as all barrel sales must be processed through the WVABCA bailment warehouse and a WVABCA licensed Retail Liquor Outlet.
- c. How the WVABCA will process a Private Barrel Selection request
- i. WVABCA Staff will:
 - 1. Obtain the Commissioner's approval and signature on the Private Barrel Selection Approval Form;
 - 2. E-mail the signed Private Barrel Selection Approval Form to the Distiller or Vendor and track the barrel's progress internally;
 - 3. Approve the Advanced Shipping Notice (ASN) and set the backorder for the cases from the Private Barrel Yield;
 - 4. Upon receipt of the barrel, bottles and verification of the bottle yield, the WVABCA Bailment Warehouse will debit the Retail Liquor Outlet's account for the barrel amount with all mark-ups and fees, and ship the Private Barrel and it's bottled yield to the participating Retail Liquor Outlet.

d. How a Retail Liquor Outlet will accept and process a Private Barrel and its yield.

i. **Retail Liquor Outlet:** If the retail liquor outlet is the purchaser of the selected barrel and its bottled yield, they may sell the bottled yield at their licensed premises only. If the retail liquor outlet was chosen by a private club, group or individual as the participating retail liquor outlet to facilitate the further sale of the bottled yield they must follow all stated WVABCA requirements for resale of the bottled Private Barrel Yield, including:

1. No one individual may purchase more than 30 bottles of the Private Barrel Yield per visit. Retail liquor outlets must not structure transactions to circumvent the requirements or the law
2. Retail Liquor Outlets must emphasize purchases are for personal use only.
3. Under state law, purchasers may not transport more than 10 gallons at one time for personal use and not for resale.

ii. If the purchaser of the Private Barrel is a private club, group or individual, said private club, group or individual:

1. **Private Clubs:**

- a. A Private Club must verify all bottles will only be served as liquor by the drink at its licensed premises; on-premises bottles sales will be allowed only if the licensee is licensed for on-premises bottle sales, and there will be NO off-premises bottle sales.
- b. A Private Club must maintain Form 190 throughout the purchase and transportation of the private barrel selection's bottled yield.

2. **Groups:**

- a. Groups must provide the retail liquor outlet with a list of group members who have expressed intent to purchase bottles from the private barrel selection. The retail liquor outlet may reserve the bottles for purchase by the listed members and must track and account for each bottle that is sold. The retail liquor outlet must advise each member that their purchase is for personal use only.
- b. A group representative may NOT purchase any number of bottles on behalf of, or to be resold to, any other individual or members of the group.
- c. No one "Individual" may purchase more than 30 bottles of the Private Barrel Yield per visit, for that individuals personal use, and not for resale.

- d. Purchasers may not transport more than 10 gallons at one time for personal use.
- e. Purchasers (not private club) may not transfer any alcohol for business use

3. **Individuals:**

- a. An individual must attest to the distillery and the retail liquor outlet, by signature on the Private Barrel Selection Form, that the individual is not re-selling any bottles and all bottles purchased are for personal use, not for resale.
- b. No one individual may purchase more than 30 bottles of the Private Barrel Yield per visit.
- c. Purchasers may not transport more than 10 gallons at one time for personal use.

IV. **Effective Date** 9/15/2020

Approved this 15th day of September, 2020



FREDRIC L. WOOTON, COMMISSIONER
WEST VIRGINIA ALCOHOL BEVERAGE CONTROL ADMINISTRATION

Private Barrel Selection Form

Distillery or Vendor Name: _____

Contact Name: _____ Phone: _____ E-mail: _____

Broker Name (if any): _____

Group, Individual, Private Club or Retail Liquor Outlet Requesting Private Barrel Selection:

Contact Name: _____ Phone: _____ E-mail: _____

Names of Purchasers and/or Licensee's involved in the Private Barrel Program (if more room is required attach an additional page): _____

Private Barrel Selection Product Description (attach photo(s) of distinct label from distillery): _____

Barrel Identification number (attach photo(s) of barrel top if available): _____

Estimated Barrel Yield: _____ Proof: _____ Release Date: ____ / ____ / ____

Will Empty Barrel be shipped with finished product: Yes: _____ No: _____

Price Per Bottle: Wholesale _____ Retail (including all mark-ups and fees): _____

By signing this form I certify that I have read and understand the WVABCA Private Barrel Selection Procedure.

Distillery _____ Date _____ Group Rep or Individual _____ Date _____

FOR WVABCA USE ONLY

WVABCA Retail Liquor Outlet receiving product: _____

WVABCA Retail Outlet Number: _____ Market Zone: _____

Address: _____

Actual Barrel Yield: _____ Gallons: _____ Bottles: _____ Proof: _____

Approval: _____

Fredric L Wooton, Commissioner

_____ Date

Distillery

WVABCA

Private Barrel Selection Form

Names of Purchasers and/or Licensee's involved in the Private Barrel Program (if more space is needed attach a second page): _____

Retail Liquor Outlet Responsibilities

If the retail liquor outlet is the purchaser of the selected barrel and its bottled yield, they may sell the bottled yield at their licensed premises only.

If the retail liquor outlet was chosen by a private club, group or individual as the participating retail liquor outlet to facilitate the further sale of the bottled yield they must follow all stated WVABCA requirements for resale of the bottled Private Barrel Yield, including:

- No one individual may purchase more than 30 bottles of the Private Barrel Yield per visit. Retail liquor outlets must not structure transactions to circumvent the requirements.
- Under state law, purchasers may not transport more than 10 gallons at one time, for personal use and not for resale.

Retail Liquor Outlet Licensee

Date

Approval: _____

Fredric L Wooton, Commissioner

Date