



ALCOHOL BEVERAGE CONTROL ADMINISTRATION

Wine Division

900 Pennsylvania Avenue, 4th Floor

Charleston, WV 25302

(304) 356-5500

Wine Brand Registration Application Completion Instructions

1. All brands must be registered with the West Virginia Alcohol Beverage Control (WVABCA) Commissioner prior to any sales or shipment of wine to or into West Virginia.
2. The wine brand registration fee is \$100 per brand for a three-year period. Acceptable forms of payment are certified check, cashier's check, or money order payable to the West Virginia Alcohol Beverage Control Administration.
3. Form ABCC-WS-1-D is the application used for brand registration.
4. On the line designated "brand" record the brand to be registered; record only one brand per application. Individual applications are needed for multiple brand registrations.
5. On the line designated as "winery" record the winery bottling/producing the brand to be registered.
6. On the line designated "representative" record the name(s) of the licensed sales representative(s) that solicit sales **to** West Virginia distributors. The company must have at least one licensed sale representative; however, the company must duly license each person soliciting sales or promoting your products in the West Virginia. *Not applicable to Direct Shipper licensees.
7. In the check box, indicate the distributors that you have authorized for brand distribution. *Not applicable to Direct Shipper licensees.
8. Of the brand to be registered, record the information for each wine label sold in West Virginia, attaching additional pages as needed. In lieu of recording this information on the form, you may attach a spreadsheet with this information in the format specified on the form.
9. Include copies of the TTB Certificate of Label Approval (COLA) for each wine label recorded on the form.
10. Include an unattached label or color photocopy of each wine label recorded on the form.
11. Include copies of primary source letters. *No applicable to Direct Shipper licensees.
12. Include copies of the supplier-distributor representation agreements. Each supplier must appoint at least 2 distributors per brand (examples included). *Not applicable to Direct Shipper licensees.
13. Include notarized copies of Good Faith Affidavits from both supplier and distributor. *Not applicable to Direct Shipper licensees.
14. Sign, provide email address clearly, and date the form.
15. Once reviewed and accepted by the WV ABCA Commissioner, the registration approval will be emailed to the contact listed on the registration application form. All email addresses should be recorded clearly. Please notify the WV ABCA of any email changes.

Examples of supplier/distributor agreements

EXAMPLE 1

Date:

Distributor Address:

Re: DISTRIBUTOR AGEEMENT

This letter is to confirm with _____ (distributor) agrees to represent _____ (supplier) in the State of West Virginia. Termination of the agreement must be in writing by certified mail to the Commissioner and to all parties involved ninety (90) days prior to the termination date. Once all parties have received the notice, the distributor shall: (1) Use the ninety-day period to deplete inventory or (2) reach some agreement with _____ (supplier) to return unused saleable inventory or to receive payment for unused saleable inventory. Upon notice of termination, no new distributor shall be appointed until the conclusion of the ninety-days or as _____ (distributor) and _____ (supplier) has otherwise agreed to complete the termination.

(Wine supplier) (Date)

(Distributor) (Date)



EXAMPLE 2

Date:

Distributor Address:

This letter is to confirm with _____ (distributor) agrees to represent _____ (supplier) in the State of West Virginia.

(List product)

Termination of the agreement must be in writing by certified mail to the Commissioner and to all parties involved ninety (90) days prior to the termination date. Once all parties have received the notice, the distributor shall: (1) Use the ninety-day period to deplete inventory or (2) reach some agreement with _____ (supplier) to return unused saleable inventory or to receive payment for unused saleable inventory. Upon notice of termination, no new distributor shall be appointed until the conclusion of the ninety-days or as _____ (distributor) and _____ (supplier) has otherwise agreed to complete the termination.

(Wine supplier) (Date)

(Distributor) (Date)

Affidavit of Fair Trade Practices

Please provide the WVABCA a signed, notarized written affidavit stating, **if true:**

“Under penalty of law, I, _____ (name), and my employer, _____(Name and d/b/a of supplier), do hereby certify as true that, in appointing, _____ (name and d/b/a of distributor) as a wine distributor, that I and my employer have not received, paid or furnished things of value, inducements, more favorable pricing, payments, equipment , fees, cash or loans, and have not been a party of any other improper act under federal law or laws of the State of West Virginia. By executing this affidavit, I am acknowledging that I have complied with all aspects of the federal and state laws as a wine supplier or winery when appointing the above-mentioned distributor”.

Signature

Date

State of: _____

County of: _____

Subscribed and sworn before me this _____ day of _____, 20____ by _____ (name).

(stamp)

Notary Public: _____

My Commission expires on: _____

Affidavit of Fair Trade Practices

Please provide the WVABCA a signed, notarized written affidavit stating, **if true:**

“Under penalty of law, I, _____ (name), and my employer, _____(name and d/b/a of distributor), do hereby certify as true that, in obtaining a wine distributor appointment from, _____ (name and d/b/a of wine supplier), have not received, paid or furnished things of value, inducements, more favorable pricing, payments, equipment, fees, cash or loans, and have not been a party to any other improper act under federal law or laws of the State of West Virginia. By execution this affidavit, I am acknowledging that I have complied with all aspects of the federal and state laws when receiving this distributor appointment.

Signature

Date

State of: _____

County of: _____

Subscribed and sworn before me this _____ day of _____, 20____ by _____ (name).

(stamp)

Notary Public: _____

My Commission expires on: _____