From the Office of M. Caitlin S. Anderson Liquor Control Division Director

February 20, 2025

Re: Return of Expired Beer

The Department of Consumer Protection Liquor Control Division (hereinafter "Division") has recently received inquires seeking clarification surrounding the return of expired beer products by a permittee to a wholesaler. The Division reminds beer retailers, wholesalers, and manufacturers of three foundational points concerning the return of expired beer products:

- 1. All returns of expired beer product require approval from the Division.
- 2. The Division's approval will automatically be given if the expired beer product is returned within three months from the date of delivery. The Division *will not* approve a return of an expired beer product beyond three months from date of delivery unless the *retailer* can demonstrate an ordinary and usual commercial reason for the return. For example, the Division has approved returns outside of the three-month period when natural disasters closed a retailer for an extended period; we similarly have approved delayed returns when renewed operation of a business required probate proceedings.
- 3. It is the wholesaler's decision whether to accept returns of expired product within the three months allowed. The wholesaler must exercise this discretion uniformly to all retailers it services. The Division cannot compel a wholesaler to accept a return, even if it would be routinely approved by the Division.

For more information about returns, please review the <u>Division's Guidance Statement Regarding Product Returns from Retailers to Manufacturers, Shippers, and Wholesalers</u> dated October 6, 2023.