

45:30-3-3. Manufacturer's price list

(a) All non-designating Manufacturers or Nonresident Sellers of spirits, wines and cordials and specialties are hereby required on the fifteenth day of each month, to register in the office of the Oklahoma Alcoholic Beverage Laws Enforcement Commission, Oklahoma City, Oklahoma, all items of alcoholic beverages, which such Manufacturer or Nonresident Seller proposes to offer for sale to all licensed Wine and Spirits Wholesalers in this State. Such registration shall be prepared on a form approved by the Commission and shall show the brand, price and size and alcoholic content thereof. All Manufacturer or Nonresident Sellers' price shall become effective on the first day of the second month following such registration and shall remain in effect and unchanged for a period of not less than one month. No change in said period shall be permitted except on an application therefore in writing showing good cause and then only with written permission of the Commission or Director.

(b) When a new item is registered, or an old item is discontinued, or any change is made by a Manufacturer or Nonresident Seller as to price, age, proof, label or type of bottle of any item offered for sale in this State, such new item, or discontinued items, or change in price, age, proof, label or type of bottle of any item, shall be listed separately on the cover page or pages of the price schedule, and in the case of prices changed, shall reflect both the old and the new price of any item changed. All new items and changes as to age, proof, label, or type of bottle in which any item is offered for sale shall first be submitted to the Director for approval under such requirements as he may deem proper. Approval or disapproval of price changes shall not be required if filed in conformity with the rule.

(1) In addition to the foregoing requirements, Manufacturers or Nonresident Sellers shall, at the same time, on regular forms provided by the Commission, reregister all items of alcoholic beverages which such Manufacturers or Nonresident Sellers had registered and offered for sale in this State during the previous price period.

(2) A short form of price registration may be permitted by the Director for any price period in which no new item is offered or old item discontinued, or change is made in the price, age, proof, label, or type of bottle of any item offered by any Manufacturer or Nonresident Seller. Such short form shall contain only such statements as the Director may require or permit.

(c) The brand name, size, age, proof, and type of alcoholic beverages except wines, scotch whiskeys and blends, must be shown on each container sold in this State.

(d) No brand of alcoholic beverage shall be listed on a price list or posting more than one place, nor offered for sale by more than one method nor at more than one price, except as provided hereafter:

(1) A Manufacturer or Nonresident Seller who has posted F.O.B. prices from a foreign shipping point shall also list the same item(s) at a F.O.B. point within the Continental United States.

Only one United States F.O.B. point will be permitted

(2) A Manufacturer or Nonresident Seller may list on their price list or posting an item of specific size that may be packaged in more than one type or design container; provided that the

containers being offered have been approved by the Commission.

(e) All Manufacturers or Nonresident Sellers shall sell to licensed Oklahoma Wholesalers all items of spirits, cordials and specialties, and wines at the current posted price in effect on the date of the shipment as shown on the manifest, bill of lading or invoice.

(f) No credit memorandum shall be issued at any time for any purpose without approval of the Commission or Director. Floor stock adjustments may be permitted or required when deemed necessary and approved by the Commission or Director.

(g) A full and correct copy of each said price registration shall be mailed to each licensed Wholesaler on the same day such prices are filed with or mailed to the Commission. Proof of such mailing or delivery shall be furnished the Commission by affidavit from each Manufacturer or Nonresident Seller, and attached to the price registration.

(h) The sale, or offer to sell, of any item of alcoholic beverage to a licensed Wine and Spirits Wholesaler at a price not in compliance with the price posted with the Commission by a Manufacturer or Nonresident Seller shall be deemed a discrimination against the licensed Wine and Spirits Wholesalers in this State.

(i) All rules or parts of rules in conflict with this Section are hereby repealed.