

retailers typically place significant orders at the end of each month, and although retailers are able to place orders online before the end of each month, their practice is to assess their inventory first so they know how much product is needed. When the end of the month falls on a weekend or legal holiday, or on the eve of a weekend or legal holiday, the retailers are not able to properly assess their inventory and place well-informed orders at the advantageous prices that may exist during the previous month.

To address this situation, many wholesalers have developed an administrative “work around,” in which wholesalers will file their CPL with two sets of prices, one set for the beginning of the month and one set for the remainder of the month. Such a practice places a burden on the wholesalers, but accomplishes the same result that is underlying the instant relaxation request. If granted, the request would alleviate some of those pressures, as well as additional concerns over scheduling and processing timelines, and provide critical relief to wholesaler personnel who would not have to work weekends to fill these orders.

In order to extend the referenced 2023 CPLs to address the concerns described above, affirmative action by the Director is necessary. In accordance with N.J.A.C. 13:2-9.1, the Director has the authority to relax the provisions of N.J.A.C. 13:2-24.6(a)(4) upon a showing of undue hardship (economic or otherwise); that the waiver of the rule would not unduly burden any affected parties; and that the waiver is consistent with the underlying purposes of Title 33 and its implementing regulations.

The Division has reviewed the requests to extend the expiration dates for the referenced 2023 CPLs in light of the standards contained in N.J.A.C. 13:2-9.1. Denying the relief sought would cause hardship to both wholesalers and retailers. Without the relief sought, retailers would not be able to assess their inventory and place their significant orders at the end of the month at the advantageous prices offered. Wholesalers, on the other hand, are administratively burdened if choosing to file two sets of prices (one for the previous month’s prices, and then for the coming month), especially those wholesalers whose CPLs contain thousands of products.

Because the extension of the referenced 2023 prices would apply to all wholesale and retail licensees on a non-discriminatory basis, it is the Division’s belief that the requested approval would neither unduly burden any affected parties, nor would it undermine the purposes of Title 33, which are to prevent discrimination in the sale of alcoholic beverages and to maintain trade stability. The Division has granted similar requests for relief in previous years to maintain trade stability. N.J.S.A. 33:1-3.1(b)(7).

Please be advised that wholesalers who choose to exercise the extensions granted herein must extend the March, April, June, August, September and December 2023 prices on a uniform basis for all products and for all retail licensees.

Accordingly, it is on this 2nd day of February 2023,

ORDERED that wholesalers are authorized to extend prices listed in the **March 2023** CPL for retail orders received on or before the close of business on **Monday, April 3, 2023**, provided that all such prices are extended in a uniform, non-discriminatory basis to all retail accounts; and it is further

ORDERED that wholesalers are authorized to extend prices listed in the **April 2023** CPL for retail orders received on or before the close of business on **Monday, May 1, 2023**, provided that all such prices are extended in a uniform, non-discriminatory basis to all retail accounts; and it is further

ORDERED that wholesalers are authorized to extend prices listed in the **June 2023** CPL for retail orders received on or before the close of business on **Monday, July 3, 2023**, provided that all such prices are extended in a uniform, non-discriminatory basis to all retail accounts; and it is further

ORDERED that wholesalers are authorized to extend prices listed in the **August 2023** CPL for retail orders received on or before the close of business on **Tuesday, September 5, 2023**, provided that all such prices are extended in a uniform, non-discriminatory basis to all retail accounts; and it is further

ORDERED that wholesalers are authorized to extend prices listed in the **September 2023** CPL for retail orders received on or before the close of business on **Monday, October 2, 2023**, provided that all such prices are extended in a uniform, non-discriminatory basis to all retail accounts; and it is further

ORDERED that wholesalers are authorized to extend prices listed in the **December 2023** CPL for retail orders received on or before the close of business on **Tuesday, January 2, 2024**, provided that all such prices are extended in a uniform, non-discriminatory basis to all retail accounts; and it is further

ORDERED that the relief provided herein is based upon the specific facts alleged in this *ex parte* proceeding and, therefore, is subject to further review and modification should the factual circumstances warrant.



JAMES B. GRAZIANO
DIRECTOR

JBG/ABC