



## NJ DIVISION OF ALCOHOLIC BEVERAGE CONTROL

(Pub. 8/31/2017 Ver.1)

### **Cidery and Meadery License Application**

The holder of this license is entitled to manufacturer, sell and distribute Cider and Mead products. **The fee for this license shall be \$938.**

#### **N.J.S.A. 33:1-10 2f.**

The holder of this license shall be entitled, subject to rules and regulations, to manufacture hard cider and mead and to sell and distribute these products to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The holder of this license shall be entitled to sell these products at retail to consumers on the licensed premises for consumption on or off the premises and to offer samples for sampling purposes only. The holder of this license shall be permitted to offer for sale or make the gratuitous offering of packaged crackers, chips, nuts, and similar snacks to consumers, but shall not operate a restaurant on the licensed premises. The fee for this license shall be \$938.

The holder of this license shall be entitled to manufacture hard cider in a quantity not to exceed 50,000 barrels of 31 fluid gallons capacity per year. With respect to the sale and distribution of hard cider to a wholesaler, the license shall be subject to the same statutory and regulatory requirements as a brewer, and hard cider shall be considered a malt alcoholic beverage, for the purposes of the "Malt Alcoholic Beverage Practices Act," P.L. 2005, c.243 (C.33:1-93.12 et seq.). The holder of this license shall not directly ship hard cider either within or without this State.

The holder of this license shall be entitled to manufacture not more than 250,000 gallons of mead per year. The holder of this license may ship not more than 12 cases of mead per year, subject to regulation, to any person within or without this State over 21 years of age for personal consumption and not for resale. A case of mead shall not exceed a maximum of nine liters. A copy of the original invoice shall be available for inspection by persons authorized to enforce the alcoholic beverage laws of this State for a minimum period of three years at the licensed premises.



As used in this subsection:

**“Hard cider”** means a fermented alcoholic beverage derived primarily from apples, pears, apple juice concentrate and water, or pear juice concentrate and water, which may include spices, herbs, honey, or other flavoring, and which contains at least one half of one percent but less than eight and one half percent alcohol by volume.

**“Mead”** means an alcoholic beverage primarily made from honey, water, and yeast, and which may contain fruit, fruit juices, spices, or herbs added before or after fermentation has completed, except that the ratio of fermentable sugars from fruit or fruit juices shall not exceed 49 percent of the total fermentable sugars used to produce mead.

**“Sampling”** means the selling at a nominal charge or the gratuitous offering of an open container not exceeding four ounces of hard cider or mead produced on the licensed premises.



**PLEASE BE ADVISED of the following information before making application for a Cidery and Meadery License.**

- You must have a New Jersey premise to make application for a Cidery and Meadery License. The applicant must obtain a commercial location approved by the municipality to operate.
- The Division of Alcoholic Beverage Control does not permit home-based businesses for a Cidery and Meadery License.
- The Division will not license a premise that shares common areas within the premise with a person or entity unrelated to the licensee.
- The Division is required to complete an extensive qualifying review on the applicant once the application is filed. The qualifying review is an on-going process during which additional documentation may be required to complete the qualifying review on the applicant.
- A site inspection will be required for your commercial premise located in the State of New Jersey. The site inspection is scheduled and completed by the Division of Alcoholic Beverage Control as part of the qualifying review.

## **Documents for Submitting an Application for a Cider and Meadery License**

(Some documents as noted are mandatory in order to submit your application and additional documents may be required upon review)

### **Method of Operation Affidavit**

Please provide an overview of the proposed/intended business. This summary should be clear and comprehensive, and detailed information may be required to complete the qualifying review on the applicant. **This document must be signed and notarized.**

- The shareholders or members experience in the industry and their specific role on behalf of the applicant.
- Provide the name/address/positions of the current employer for each shareholder or member.
- The applicant's hours of operation.
- The type of security which will be present at the proposed licensed premise.
- State whether or not the premise to be licensed is zoned for commercial use.
- State whether or not renovations will be done at the proposed premise and state the applicant will provide photographs of the proposed premise upon completion of the renovations.
- State the applicant will not share space with any other entity in New Jersey; the premise is exclusive to the applicant and separate and apart from all other entities.
- State the applicant's anticipated start date for the business.
- Identify the anticipated annual production.
- List the varieties of alcoholic beverages to be produced.
- Please provide the process(es) to be used in manufacturing your product in detail.
- Detail whether or not the products are blended.
- Provide the name of the cider/mead maker.
- Provide the name of the employees who will be involved in the day to day operation and explain the role of each employee.
- If there is to be a tasting room at the premise, please state in detail how you plan to operate your tasting room, and state all servers will receive server training and be certified by a nationally recognized organization.



### **Affidavit of Qualification for Ownership Interest**

Each individual holding interest on the license application [**Form Corporate Structure State Issued (Form CSSI) – Formerly Page 10A**], including those who reside outside of the United States and/or those who are age 74 or older, must submit an Affidavit of Qualification which has been signed and notarized. **This template will be completed online during the application process.** **CLICK HERE** for template

### **Affidavit of Public Notice**

Public Notice must be posted twice, seven days apart, in a local New Jersey newspaper in the vicinity of where the office/warehouse is located any time after the application has been submitted to the Division. A license cannot be issued for at least (5) business days after the second notice. Upon filing your notice with the newspaper, please request a notarized affidavit confirming publication dates and including a sample of the printed notice. **Provide the Division with a copy of the public notice affidavit obtained from the newspaper upon availability.** **CLICK HERE** for template

### **Certificate of Formation**

Provide a copy of the applicable formation documents:

- Notice of Formation for **Limited Liability Company**
  - o Operating Agreements
- Certificate of Incorporation for **Business Corporations**
  - o Stock Certificates
- **Limited Partnership or Partnership**
  - o Partnership Agreement

### **Corporate Information- (Mandatory upload to submit application)**

- Applicants applying as Corporations or Limited Liability Companies must complete the **[Form Corporate Information State Issued (Form CISI) – Formerly Page 10]**. Any Corporations or Limited Liability Companies that are reported to have an interest in the business to be licensed, whether the licensed company, the parent corporation of the licensed company, holding company or otherwise affiliated in the corporate chain, must complete the Form CISI (former page 10). **This template is MANDATORY and will be completed online during the application process.** **CLICK HERE** for template
- Sole owners, partnerships, limited partnerships, corporations, and limited liability companies must complete **[Form Corporate Structure State Issued (Form CSSI)-**

**Formerly Page 10A]** to account for 100% of business owned or controlled. **This template is MANDATORY and will be completed online during the application process.** **CLICK HERE** for template

- A diagram depicting corporate relationships and the percentage of stock shares or member shares in the application to account for 100% of business owned or controlled. **This template is MANDATORY and will be completed online during the application process.** **CLICK HERE** for template

### **Premise Information Template-(Mandatory upload to submit application)**

This template provides the establishment ownership information and describes the area or place which is to be licensed for the sale, service, consumption, delivery, receipt or storage of alcoholic beverages. **This template is MANDATORY and will be completed online during the application process.** **CLICK HERE** for template

### **Premise Sketch**

This is a detailed copy of a sketch/diagram for the proposed New Jersey premise which specifically identifies the office/manufacturing space, storage and tasting areas. These identified areas must be **highlighted** on your sketch/diagram. The sketch must indicate the approximate dimension of the designated area in square feet and all entrances and exits must be clearly identified. **In addition, photos of the interior/exterior of the proposed New Jersey premises will be requested.** **CLICK HERE** for template

### **Lease Agreement/Deed**

Any applicant who will be operating at a premise in NJ must have possessory interest in the site. Provide a current and executed lease agreement or deed for the property.



### **TTB Basic Permit Requirement**

The U.S. Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau (TTB) issues a Federal Basic Permit to wholesalers and importers. Application may be made by contacting TTB at (800)398-2282. **This requirement must be completed prior to the issuance of a license.** Provide the Division with a copy upon availability. **CLICK HERE** for TTB Website

### **Beverage Tax Bond Requirement**

A Beverage Tax Bond must be filed with the New Jersey Division of Revenue. Any questions regarding the bond amount or forms should be referred to the Alcohol Beverage Tax Bond Unit at 609-633-8157. The bond must be renewed annually and licenses cannot be issued or renewed without a current bond. **This requirement must be completed prior to the issuance of a license. Provide the Division with a copy upon availability. Please direct further inquiries to NJ.UCCUnit@treas.nj.gov (copy & paste into e-mail)**

### **State Police & FBI Fingerprint Investigation**

The shareholders and/or officers and directors and any other primary individual(s) designated by the ABC of the applicant, must complete State and Federal fingerprint checks as part of the qualifying investigation to obtain a manufacturing license in order to determine if you meet the qualifications set forth in N.J.S.A. 33:1-25. **The fingerprint instructional form/application for MorphoTrust will be mailed to you during the qualifying review of your application.**



### **Source of Funding/Financial Statements**

Documentation for the source of all funds used, directly or indirectly, to finance acquisition of the proposed business including the purchase of property, equipment and products. This documentation should include the following:

- An itemized list identifying all costs expended by the applicant to date and the projected future expenses to be incurred by the applicant for their proposed business in the State of New Jersey together with the **origin** of all funds.
- Each shareholder will need to provide a **notarized** affidavit identifying all funds contributed towards the startup and attach the origin of all funds. Bank statements from both the originating bank and depository bank will need to be provided reflecting a clear and transparent flow of funds. **Highlight all monetary transactions relevant to the applicant's business account(s).**

- Records for the source of any personal cash received from the members, shareholders and partners of the applicant (provide six months of bank statements and/or any other account statements from which cash was provided)
- Records for the source of any cash received from any person or entity not affiliated with the applicant; (provide one year of bank statements and/or any other account statements from which cash was provided)
- Any loan documents and/or mortgages from any person, entity or institution (provide the executed loan, mortgage and note documents)
- If funds are derived from an account jointly held with a spouse, each spouse will need to provide a notarized statement stating that they are not involved in the business and are aware of the financial transaction.
- Two years of Corporate Tax returns for existing entities
- Two years of Personal Tax returns for new entities
- SEC filing for publicly traded companies (listing all officers, directors and financial portion)

**\*\*\*PLEASE BE SURE TO LABEL ALL FINANCIAL TRANSACTIONS \*\*\***

### **NJ ABC Site Visit**

A site inspection will be required to complete the qualifying review of the application. Please coordinate with the ABC representative when: your premise is completed, a Certificate of Occupancy is obtained and you are ready to begin operating.



**APPLICANT CHECKLIST: (USE THIS TOOL DURING THE APPLICATION PROCESS)**

**THE FOLLOWING DOCUMENTS CAN BE UPLOADED TO THE ONLINE APPLICATION OR PROVIDED DURING THE QUALIFYING REVIEW OF THE APPLICATION: ITEMS THAT ARE MANDATORY IN ORDER TO SUBMIT YOUR APPLICATION ARE INDICATED AS SUCH BELOW**

CORPORATION INFORMATION STATE ISSUED [FORM CISI] (Former Page 10)-**MANDATORY**

CORPORATE STRUCTURE STATE ISSUED [Form CSSI] (Former Page 10A)-**MANDATORY**

PREMISES INFORMATION TEMPLATE [Previously Page 3]-**MANDATORY**

CORPORATE DIAGRAM-**MANDATORY**

Method of Operation Affidavit (Notarized)

Affidavit of Publication

Affidavit of Qualification of Ownership Interest

Proof of Beverage Tax Bond issued by New Jersey Division of Revenue

Source of Funding/Financial Statements/Bank Statements

Notice of Formation for Limited Liability Company (if applicable)

Operating Agreement for Limited Liability Company (if applicable)

Certificate of Incorporation for Business Corporations (if applicable)

Stock Certificates for Business Corporations (if applicable)

Limited Partnership or Partnership Agreement (if applicable)

Lease Agreement/Deed-(Proof of Possessory Interest in Proposed Site)

Sketch/Diagram

Copy of all TTB Permits



**PROCEDURES THAT MUST BE COMPLETED AS PART OF THE QUALIFYING REVIEW:**

Fingerprinting Investigation

NJ ABC Pre-Licensing Site Inspection



## APPENDIX A

### **DISCLOSURE POLICY:**

#### **(GENERAL TO ALL LICENSE TYPES)**

##### **I. License Applicant Level (The Entity that will be Licensed)**

- A. This level constitutes the primary interest in the applied-for-license. 100% interest in the license must be accounted for on the license application, including all individuals holding 1% or more interest in the applicant if it is a corporation. Limited Liability Companies are considered corporations and must disclose all members. Individuals named at this level are required to be fingerprinted; the applicant must disclose and document as to the source of funds used to acquire their license interest. They may hold no other interest which would constitute a tied-house or two license limitation violation.
- B. If interest holders are not residents of the United States, they must execute affidavits certifying their qualification and provide a record (or document lack of record) of their criminal background from their national law enforcement agency. If criminal background information is prepared in a language other than English, a certified English translation must be submitted.
- C. If the actual operation of a licensed business is delegated to an on-site manager (i.e. in the case of a national restaurant chain), the manager and any other individual who, through performance on their on-site duties act in the capacity of the licensee, must also be disclosed in the license application, fingerprinted and qualified as described in paragraph IA. These management responsibilities include the hiring and firing of employees, placing orders for alcoholic beverages and making business decisions concerning pricing and marketing.

##### **II. License Applicant Shareholder Level**

- A. This level describes removed interest; those with direct or indirect interest in the license applicant. Shareholders of the license applicant, general or limited partners and LLC members who are closely held corporations, partnerships of LLC's in their own right and must be fully identified in the license application. Individuals disclosed at this level must execute an affidavit as to their age and qualifications. Individuals disclosed at this level who



exercise significant direct control or influence over the operation of the license applicant, must be fingerprinted and qualified as described in paragraph IA.

B. The officers, directors and trustees of publicly traded corporations holding an interest in a license applicant must be disclosed in the license application, unless the Director or municipal issuing authority determines that an alternate form of disclosure is acceptable. Regardless of the format, individual disclosures must include all information required by the license application. Any individual disclosed at this level who may exercise control or have direct influence over the operation of the license applicant must be fingerprinted.

C. Individuals holding 10% or more of the stock of a publicly traded corporation which has an interest in a license applicant must be identified in the license application. The Director or municipal issuing authority may determine to accept appropriate Securities and Exchange Commission Reports of filings in support of the qualification of such individuals.

D. Institutional investors (i.e. pension or stock funds), and interest held in trust must qualify through the trustee responsible for administration of the fund or trust. Trustees must be disclosed and execute affidavits as to their qualification.

### **III. Submission of Records in Support of Application**

In addition to the business disclosure noted above, the Division of Alcoholic Beverage Control and municipal issuing authorities may require submission of any or all of the following records and documents in support of the license application. **The information is to remain confidential and is not for public review.**

#### **BUSINESS RECORDS:**

- Original letter of business intent-describing the proposed business and method of operation.
- Partnership Agreement. (if applicable)
- Limited Liability Company Notice of Formation and Operating Agreement. (if applicable)
- Corporate Certificate of Incorporation and all subsequent amendments. (if applicable)
- Proof of Fictitious or Trade Name Registration. (if applicable for applicants with a trade name)
- Certificate of New Jersey Business Authority. (non-New Jersey applicants only)
- Copies of all issued Stock Certificates. (front and back), or most recent SEC Filing Statement containing shareholder information.
- Certificate of New Jersey Sales Tax Authority. (if applicable)
- Copy of all applicable TTB Permits issued to applicant.
- Copy of all other alcoholic beverage licenses issued to applicant by other States.

### **FINANCIAL RECORDS:**

- Agreements of Sale for purchase of license, business and/or proposed premises.
- Mortgage or Loan Agreements and Promissory Notes, including any pledge or Escrow Agreement of Corporate Stock Shares.
- Business and personal Federal Income Tax returns for the past two years.
- Copies of business and personal checking and savings statements, cancelled checks and bank deposit slips to document the funding of the license.
- Audited Financial Statements.
- Corporate Annual Reports.
- Securities and Exchange Commission filing statements.

### **PREMISE INFORMATION:**

- Detailed sketch of the proposed premises, identifying all entrances, exits, exterior areas to be covered under the license, indicating dimensions of the premise in square feet. If any adjacent grounds are to be licensed, these areas must also be included in the sketch.
- Copy of the Lease Agreement, Title or Mortgage Agreement(s) and applicable Note(s) covering the proposed premises.
- Certificate of Occupancy and other applicable zoning records associated with the proposed premises.
- If the proposed premises is a boat, copy of the United States Coast Guard Certificate of Documentation issued to the vessel.
- If the proposed premises is a limousine, copy of the motor vehicle registration and photograph of the vehicle.



## APPENDIX B

### **ABC Online Licensing System and Login Instructions:**

The Division of ABC must receive a license application and fee submitted through the ABC Online Licensing System. *The Division will assign an individual to conduct a qualifying investigation upon receipt of a completed application.*

**CLICK HERE** to go to the Licensing System Home Page

Click on the logo below:



**Click POSSE Login**

POSSE Home | [POSSE Login](#) | [FAQs](#) | [News and Updates](#)

Choose:



**NEW USERS ONLY:** Next you will need to create an account by registering.

Click here to register →

The screenshot shows the registration page of the ABC Online Licensing System. At the top left is the "ABC" logo in a large, stylized font. To the right of the logo are two input fields: "Email:" and "Password:". To the right of the "Password:" field is a link that says "Forgot password?". Below the input fields is a blue "Register" button. At the bottom of the page, there is a line of text: "If you have not yet created an account, click [here](#) to register. For a video tutorial on how to register and associate your existing Licenses with your Log In information, click [here](#)."

## APPENDIX C

### **Download & Use of the Online PDF Fillable Templates:**

1. With the template open.....
  - A. CLICK Save As:
    - I. Select the folder to save in.
    - II. Use "File Name" to name the Document.
    - III. Hit Save.
2. Close the web browser version of the fillable PDF.
3. Go to the folder where you saved the document.
4. Open the saved Document.
5. Complete the document.
6. Always save before closing.

When uploading the document into our system use the saved document that was completed.

\*\*\*If you need help uploading into the system, please see the [Help Video's](#) section, link is available at the top of the webpage. Video's regarding the submission of an application contains the upload instructions at the end.\*\*\*

