

**STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL**

**Summary of Current Price List Filing for 2018-2019 License Term**

Pursuant to N.J.S.A. 33:1-39 and -93, the Division of Alcoholic Beverage Control (“ABC”) promulgated regulations governing New Jersey’s requirements governing the “maintenance and publication of invoice prices, discounts, rebates, free goods, allowances and other inducements” in the sale of beverage alcohol to retailers. The price posting system requires each wholesaler to file its own Current Price List (“CPL”) with ABC by the 15<sup>th</sup> of the month (or the first workday thereafter if the 15<sup>th</sup> falls on a weekend or holiday) preceding the month during which the CPL’s terms, conditions and price schedule will be effective. Notice to Wholesalers, A.B.C. Bull. 2460, Item 8 (June 2, 1993); N.J.A.C. 13:2-24.6(a)4. These filings help prevent horizontal price fixing, because no wholesaler may examine its competitors’ CPLs until after it has submitted its own CPL and all CPLs have become public records, two workdays after the filing date. N.J.A.C. 13:2-24.6(a)7. Once filed (i.e., posted), the prices contained in a wholesaler’s CPL cannot be changed until the next monthly filing date except by Order of the Director. N.J.A.C. 13:2-24.6(a)5. Every wholesaler must hold to the price schedules in its respective CPL during the month for which it is effective. N.J.A.C. 13:2-24.6(a)6. ABC’s function is to oversee the filing and publication of wholesale price lists and to enforce adherence to them. Heir v. Degnan, 82 N.J. 109, 115 (1980). ABC has enforced the filing deadline since at least 1983. Notice to Wholesalers, supra. The price posting rules foster trade stability by simplifying and enhancing enforcement of the anti-discrimination regulations while ensuring accurate price information is available to all retail licensees. See e.g., Petition for Rulemaking Regarding the Retail Incentive Program Pursuant to N.J.A.C. 1:30-4.1, published at [www.nj.gov/oag/abc/downloads/02\\_Petition-for-Rulemaking-Retail-Incentive-Program.pdf](http://www.nj.gov/oag/abc/downloads/02_Petition-for-Rulemaking-Retail-Incentive-Program.pdf).

As part of ABC’s active supervision of the price posting requirements, this Notice summarizes CPL filings during the 2018-2019 license term. It includes timely and late filed CPLs, amendments, and the number of non-filers. It also includes the number of Special Rulings issued by the Director and Administrative Approvals granted to wholesale licensees.

During the 2018-2019 license term, New Jersey wholesalers filed 4,942 CPLs. Wholesalers that do not exercise the wholesale privilege of selling to New Jersey retail licensees are not required to file CPLs; these account for 438 CPL filings that otherwise would have been filed. The following is a breakdown of these filings: