

## Florida Beer Wholesalers Association

August 4, 2012

To: FBWA Members

From: Mitch Rubin

Re: Refrigerated Singles Bins

Issue: Whether a manufacturer or distributor may provide a refrigerated singles bin to a vendor?

Brief Answer: No. A singles bin that utilizes electricity to provide refrigeration is prohibited equipment.

Analysis: Recall that any review of tied house evil assistance begins with the general prohibition in section 561.42 (1), Florida Statutes, and Rule 61A-1.010, Florida Administrative Code. The statute and rule combine to prohibit assistance for which there is no statutory or regulatory exception.

An exception for a singles bin is provided in Rule 61A-1.0101 Product Displays Exception. This Rule provides the exception for "wine racks, bins, barrels, casks, shelving, or similar display items." The products must be factory sealed and may be room temperature or cold. However,

"Such displays shall not have, or be used to provide, a secondary function, other than advertising, which would function to provide equipment, including refrigeration; furniture; or other fixtures."

Since the singles bin in question provides refrigeration, it is effectively equipment--a refrigerator. The rules were rewritten to prohibit all types of refrigeration equipment but to continue to permit singles bins.

By the way, distributors may not provide ice. Vendors, however, may provide their own ice to a singles bin.

Conclusion: A singles bin to display factory sealed containers is expressly authorized. A singles bin that provides the secondary function of refrigeration is prohibited equipment.