



**COLORADO WINE INDUSTRY DEVELOPMENT BOARD**  
4550 SIOUX DRIVE, BOULDER, COLORADO 80303  
720.304.3406 / FAX: 720.304.3405 /  
WWW.COLORADOWINE.COM

## Colorado Wine Parking Lot Tasting Promotional Events Agreements and Guidelines

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Colorado Liquor Statutes allow licensed Colorado wineries to establish either a temporary tasting room or a wine festival on otherwise unlicensed property, with the permission of the property owner and notification of the local liquor licensing authority.

In order to promote increased sales of Colorado wine and to establish better relationships with key retail liquor stores in the state, the Colorado Wine Industry can hold "parking lot tasting" promotional events.

Colorado wineries will license a previously unlicensed area separate from but in proximity to a liquor store within which to offer tastings of their products in 1 oz. servings. Wineries participating and wines sampled will be determined by the inventory selection offered by the retailer. All retail sales of product to consumers will be made only by the retail liquor licensee and not by the winery.

The CWIDB will provide promotional support for a limited number of these events as noted below, but the responsibility for organizing and marketing the tasting rests with the retailer and the participating wineries.

The following agreements will apply to these events. Please read all of the agreements and sign on the last page acknowledging that you accept and understand these agreements.

The Liquor Enforcement Division of the Colorado Dept. of Revenue requires the following:

- Application filed with both Liquor Enforcement and local liquor licensing authority well in advance of event (15 days prior required, 30 days prior **strongly recommended**): if more than one limited winery is pouring samples, a wine festival permit should be filed; a temporary remote tasting room permit is fine if only one winery will be pouring samples. A separate application, permit and distinct location are required for a manufacturing winery. In the event that two distinct tasting areas are licensed, an identical letter of permission and identical map, noting both licensed areas, must be sent to both licensing manufacturing winery and the limited winery that pulls the wine festival permit.
- Detailed and accurate map filed with application showing the proximity and boundaries between the tasting area and the liquor store license as well as listing all enforcement procedures that will be implemented
- Separation of licensed areas so that the public will perceive two separate businesses (winery license and liquor store license). Tasting area must be roped off or otherwise enclosed by existing physical structures to limit access and egress so that attendant can:
  - Check I.D. of anyone appearing under 30
  - Prevent service of alcohol to any intoxicated person
  - Prevent wine and tasting cups/glasses from leaving the licensed area
  - Prevent packaged alcoholic beverages from entering the licensed area



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- No containers of any kind crossing between licensed areas: no tasting cups carried into store, no packaged alcohol carried into tasting area
- Prominent display of statutory alcohol sales signage, legal notices, and permits.
- All product for tasting must come from winery inventory and not from the retailer or from a wholesaler
- Tasting area attendants cannot be liquor store employees
- No tasting allowed outside of the hours listed on the tasting license and only within the licensed area noted on the map and application

### The CWIDB provides the following:

- 10 x 20 foot tent, when requested
- Up to four 2.5 by 6 foot tables, when requested
- Rope and other materials for marking the tasting area boundaries, when requested
- Announcement to wineries and listing on [www.coloradowine.com](http://www.coloradowine.com) web site
- Coupons to subsidize promotions (\$1 coupon for 50 cs = \$600); depending on available funds
- Tasting glasses, plastic or glass (the latter depending on retailer providing or arranging for the glasses to be washed)
- Banners for display on tent and surrounding grounds, when appropriate, and graphics for advertising
- Contact with potential food vendors through CO Proud to sample and sell food only in the winery licensed area

### The retailer will provide:

- Ice for chilling samples
- Trash receptacles and similar logistical needs
- Prominent space for the event visible from primary traffic lanes and store entrance
- Zoning clearance with local authorities, permission letter from property owner prior to 45 days before event and processing of any other required local permits and payment of associated fees.
- Proof of insurance from the property owner. Wineries will not be required to indemnify the property owner and/or property manager under their existing insurance policies, as long as the wineries' policies cover the wineries' operation when licensed outside their place of primary manufacture and operation. Wineries will not be required to pay for any additional insurance, indemnification, or riders beyond the wineries' existing business and liability insurance policies, provided the wineries' policies cover all winery operations at licensed events and premises authorized by the Colorado Liquor Code.
- Prominent mention of the event in store's regular newspaper, printed or electronic newsletter or other media advertising
- The final say as to which wineries will participate and which wines will be poured, to correspond with the Colorado wines offered for sale by the retailer



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- Appropriate inventory to support sales generated by the event, estimated to be 25-50 cases of Colorado wine, with appropriate promotional activities. Unless provisions are made prior to the event, when the retailer runs out of inventory, the wineries will stop sampling.
- Coordination with wholesalers, distributors and brokers to provide inventory to sell (sampling inventory provided only by wineries), promotional materials and displays
- Staff and security to prevent wine samples and/or tasting cups from entering its licensed premise
- Note: a winery may choose not to participate in parking lot tastings for many reasons. If a winery cannot or will not attend an event, a distributor and/or broker may pour samples for that winery, using product that comes from the winery's inventory or that is zero invoiced to the winery licensing the parking lot event. While we encourage the retailer to coordinate participation between the winery and its distributor or broker, the retailer may not intervene in such a way as will force a winery to participate in this event.
- Violations of the above or other inappropriate use of parking lot promotions will be reported to the Liquor Enforcement Division of the Colorado Department of Revenue.
- It is vital to realize that Colorado's wineries are small, family-run businesses that do not have the large promotional budgets that retailers expect from their wholesalers and the big liquor suppliers. It costs the winemakers time and money to do parking lot events, and it is incumbent on the retailer to make it worth a winery's time to participate. This can be accomplished in many different ways:
  - Promote and stock Colorado wines all year round, not just for this event
  - Prominent front-end, floor stacks and displays of Colorado wine during this event
  - Sacrifice some parking spaces so that the wineries to set up in a prime location in order for this event to be visible and successful
  - Purchase at least enough inventory prior to the event to cover sales during promotion.
  - Put Colorado wines, or at least the wines from participating wineries, on special, in-store feature or ad during the event.
  - Advertise the parking lot promotion and do whatever you can to draw your customers to this event
  - Ask the wineries how you can best support their sales efforts.
  - Do not use a parking lot promotion simply to draw attention to your store for a grand opening, anniversary or other such promotional celebration

### The participating wineries will provide:

- Security or manpower to check IDs and enforce liquor regulations. Coordinating requisite manpower and security will be the responsibility of the licensing winery, but all participating wineries should be prepared to assist in staffing the event.
- Enough inventory to sample consumers for the duration of the event, pouring no more than 1 oz samples. Inventory for sampling must come directly from a winery's inventory or be owned by the licensing winery. That means that samples for pouring can be zero invoiced from a distributor to the licensing winery, **NOT THE RETAILER**, so that the samples are the property of a licensed limited winery.
- Requisite tubs, openers and other equipment for tasting as well as promotional and decorative materials; additional tables and tents as needed



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- Licensing under the Wine Fest permit or as Remote Winery Tasting Room
- Proof of liquor liability insurance, as provided by the winery's insurance agent, which specifically covers tastings and events off the licensed manufacturing premise, as long as the event is authorized by and allowed for under any provision, statute or regulation, of the Colorado Liquor code pertaining to either limited or manufacturing wineries and/or allowing and licensing service of alcoholic beverages, namely but not limited to wine festival permits, remote tasting rooms, special events licenses, etc. Wineries will not be required to indemnify the property owner and/or property manager under their existing insurance policies, as long as the wineries' policies cover the wineries' operation when licensed outside their place of primary manufacture and operation. Wineries will not be required to pay for any additional insurance, indemnification, or riders beyond the wineries' existing business and liability insurance policies.
- Supervision of alcohol service, consumption and regulations
- Staffing for the sampling of their wine or coordination with another participating winery or the winery's distributor or broker to provide same
- Opportunity for retailer to sample and buy new product or product lines well in advance of event
- Note: a winery may choose not to participate in parking lot tastings for many reasons. If a winery cannot or will not attend an event, a distributor and/or broker may pour samples for that winery, using product that comes from the winery's inventory or is zero invoiced to the winery licensing the parking lot event. While we encourage the retailer to coordinate participation between the winery and its distributor or broker, the retailer may not intervene in such a way as will force a winery to participate in this event.

The participating food vendors will provide:

- Appropriate local sales tax permits/licenses and requisite health department certificates
- Tents, tables and any other necessary equipment for sampling/selling their product
- All food safety precautions and equipment
- All necessary business and liability insurance
- Food vendors are participating in this event as independent businesses and are not part of the tasting room or wine festival permit. They are independently responsible for their actions and product, and operate under the courtesy of the hosting retail business and/or the owner of the property.

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Any participant in these events may be asked to leave for violating these agreements. This request may come from the host retailer, property owner, licensing winery or CWIDB. Any violations of these rules or misuse of parking lot promotions will be reported to the Liquor Enforcement Division of the Colorado Department of Revenue when necessary.

Licensing Colorado Winery Representative: \_\_\_\_\_ Date: \_\_\_\_\_

Host Liquor Store Representative: \_\_\_\_\_ Date: \_\_\_\_\_

The language of this agreement was approved by the Colorado Attorney General's Office on 20 June 2003.