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MARKETING PRACTICES BULLETIN – MPB 021
Public Storage of Consumer's Private Wine Collection

To: Alcoholic Beverage Industry

This bulletin is intended to clarify statutory and common practices related to public storage of a consumer's private wine collection. We have been presented with an inquiry from the industry relating to the legality of public storage of a consumer's personal wine collection of which is not intended for resale, commercial advertisement of public storage of a consumer's private wine collection and commercial transporting of such wine by the public storage facility operator from the consumer's place of residency to the public storage facility.

Statutory provisions found in Section 109.53 of the alcoholic beverage code provides that no person shall sell, warehouse, [store](#) or solicit orders for any liquor in any wet area without first having procured a permit of the class required for such privilege. In contrast there is no applicable permit available granting a public storage facility such privilege. Various references of the Code (sections 107.07 (b), 107.11 (a) and (b), 109.21, imply that a consumer may possess and/or invariably store his private collection of wine presumably in manner whereby he has control of the product.

Of importance here is to note the consumer's private wine collection is not intended for resale. Hence the Commission will not consider it a violation of the law should a public storage facility store a consumer's private collection of wine either in a wet or dry area. Relative to the commercial advertising of such service, the public storage facility may advertise this service by newspaper or other literary publications, by billboard, electric sign or other outdoor advertising mediums, even if the area is dry for the sale of alcoholic beverages.

Further, nothing in this bulletin shall be construed to authorize a public storage facility to store alcoholic beverages of any kind for a holder of an alcoholic beverage permit or license nor purchase or offer to sale alcoholic beverages of any kind.

If the public storage facility intends to offer a service of transporting the consumer's private wine collection from the consumer's residence to the public storage facility it must first obtain a local cartage permit in accordance with Chapter 43 of the Alcohol Beverage Code.

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This opinion is of the staff of the Commission, and it should be noted that any permittee/licensee may pursue a different opinion through administrative proceedings with the State Office of Administrative Hearings. We hope this opinion will assist you in your promotional endeavors. Please feel free to contact us at any time should other questions arise. We will monitor these events and make necessary regulatory changes as applicable. If you would like additional information or have questions regarding this bulletin, you may contact me in writing at P.O. Box 13127, Austin, TX 78711, by email at marketing.practices@tabc.state.tx.us, by phone at 512-206-3411 or by facsimile at 512-206-3203.

Kind Regards,

A handwritten signature in blue ink, appearing to read "Dexter K. Jones". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Dexter K. Jones
Director of Marketing Practices

CC: Alan Steen, Administrator
Jeannene Fox, Assistant Administrator
Executive Management
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