

COMMONWEALTH of VIRGINIA

Department of Alcoholic Beverage Control

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Circular Letter
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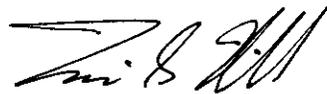
- To:** Retail Mixed Beverage Licensees
- Subject:** Distilled Spirits Bottle Service to Patron's Tables – "Table Service"
- Purpose:** To provide guidance to Retail Mixed Beverage licensees regarding delivering a bottle of distilled spirits to a patron's table.
- Background:** Delivering bottles of distilled spirits to patron's tables, commonly referred to as "table service", has become an increasingly popular practice, but the practice is strictly regulated by Code of Virginia and Virginia Administrative Code. Section 4.1-325(A)(15) of the Code of Virginia provides that a mixed beverage licensee shall not "deliver to a consumer an original bottle of an alcoholic beverage purchased under such license whether the closure is broken or unbroken." Further, 3 VAC 5-50-60(B)(4) prohibits licensees from allowing a patron to "possess more than two drinks of mixed beverages at any one time." In order to ensure "table service" is being completed within the requirements of Code and Regulation, Mixed Beverage licensees should adhere to the following protocols.
- Held:** Licensee may utilize metal cages or similar devices that have a locking mechanism to provide "table service" to patrons. A bottle of distilled spirits is placed in the cage which shall be locked by the server. The cage would remain on the patron's table; however, only the server is able to retrieve the bottle and serve mixed beverages. Based on this description, these cages serve as an approved mechanism for providing "table service" to patrons, so long as the following conditions are met:
- That the bottle of distilled spirits is not delivered directly to the patron so that the patron would have possession or control of the bottle.
 - That a bottle containing distilled spirits only be handled, opened, and poured by the licensee or the licensee's agent.
 - That the bottle remain in the locked cage at all times when it is not being handled by the licensee or the licensee's agent.
 - That any key or combination required to unlock the cage remain in the exclusive control of the licensee or the licensee's agent.

Under these conditions, a bottle of distilled spirits will remain under the control of the licensee and not be delivered to the consumer in violation of §4.1-325(A)(15) which prohibits the patron from having actual possession of the bottle or more than two mixed beverages at one time.

Additionally, because 3 VAC 5-50-60(A)(2) prohibits the serving of the entire contents of a bottle of distilled spirits as one drink, and 3 VAC 5-50-160 generally prohibits conduct such as, "selling two or more drinks for one price" and "selling an unlimited number of drinks for one price," the licensee may only offer this service and ultimately charge a patron based solely on the actual number of drinks consumed or purchased.

Conduct consistent with these conditions shall not be considered a violation of ABC laws and regulations.

Questions regarding this topic should be addressed to your Special Agent or regional ABC enforcement office.

A handwritten signature in black ink, appearing to read "Travis G. Hill". The signature is stylized and cursive.

Travis G. Hill
Chief Operating Officer/Secretary to the Board.