

Section 2.16(9) An unlawful dual distributorship is created when any manufacturer, importer, or other person attempts to designate as its distributor more than one (1) Arkansas liquor wholesaler in the state or wholesale beer permit holder to distribute the same brand of alcoholic beverage in the same geographic area (city, county, counties, state). Further, no person shall attempt to register any brand or label which is already distributed by a licensed wholesaler holding a brand registration authorization from the manufacturer or importer for a brand or label. The creation of such dual distributorships is prohibited. In addition to any remedies to any aggrieved party authorized by law, the Director may withdraw approval of any and all brands registered by any manufacturer or importer found to be in violation of this Regulation, such findings to be made after a hearing pursuant to hearing procedures established for the Alcoholic Beverage Control Division by state law and these Regulations.

For purposes of this Regulation, a "brand" is defined as the same product or substantially the same product, as evidenced by the product label that must be filed with the Alcoholic Beverage Control Division. Identical or substantially identical labels will be considered and treated as the same brand.

"Product" shall mean a brewed, fermented or distilled liquor. A brand for a product registered with the Alcoholic Beverage Control Division shall include the registered product as well as all derivatives or sub-categories of a registered product, without regard to whether such derivative or sub-category is brewed, fermented or distilled. "Product" shall not be construed to mean a particular malt, spirituous or vinous liquor, or any variety, category or sub-category thereof.

BY _____
MARK MARTIN
SECRETARY OF STATE
STATE OF ARKANSAS
FILED
AL. REGISTER DIV.
12 JAN 13 PM 2:47