

# Administrative Release

Comptroller of Maryland • Alcohol and Tobacco Tax Bureau • Goldstein Treasury Building  
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**AB-28**

**September 27, 2004**

**To:** All Non-Resident Dealers, Maryland Manufacturers and Wholesalers Who Sell Beer

**Subject:** Beer Packaging Containing Multiple Container Sizes

The Alcohol and Tobacco Tax Bureau was recently approached by a supplier of beer, requesting authority to sell beer packaged with two different container sizes. Specifically, the 12 pack mixer was to be packed with 9/ 12 ounce containers and 3/ 11.5 ounce containers of beer. Each of the beer brands represented in the proposal is legally distributed and currently sold individually in regular case lots (i.e. 24/12 ounce or 24/11.5 ounce cases).

The Comptroller has been given the authority to issue regulations affecting container sizes by virtue of Article 2B, Section 16-302. Currently, such a package configuration containing multiple container sizes is prohibited in Maryland for wine and distilled spirits by virtue of Regulation 03.02.01.05. But up to now, no Regulation or Administrative Release set the policy with respect to beer.

Section 1-101 of Article 2B, states in pertinent part that "...It continues to be the policy of this State...to prevent deceptive...business practices and to promote the general welfare of its citizens by controlling the sale and distribution of alcoholic beverages...." We are of the opinion that packages containing more than one container size of alcoholic beverages may be cause for consumer deception. Accordingly, effective this date, it shall be the policy of the State Comptroller to require that all beer distributed in Maryland contain only one container size per package.

Should you have any questions or comments regarding this Administrative Release, please contact Christie Mattox at 410-260-7312.

Larry W. Tolliver  
Director