

**NORTH CAROLINA
ALCOHOLIC BEVERAGE CONTROL COMMISSION**
4307 MAIL SERVICE CENTER
RALEIGH, NC 27699-4307

DISTRIBUTION AGREEMENT FILING FORM

Effective Date: _____

Supplier Information	N.C. Permit No.:
Supplier's Name:	
Supplier's Address:	
Supplier's Phone No.:	
Wine Suppliers: I ship <input type="checkbox"/> more than 1,250 cases, <input type="checkbox"/> less than 1,250 cases into the state each year.	

N.C. Distributor Information	N.C. Permit No.:
Distributor's Trade Name:	
Distributor's Address:	

Brand to be Distributed (One Brand per Form):
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P=PARTIAL E=ENTIRE NOTE: For partial county assignments, please indicate partial and attach description

P	E	COUNTY	P	E	COUNTY	P	E	COUNTY	P	E	COUNTY	P	E	COUNTY	P	E	COUNTY
		Alamance			Chatham			Gates			Lincoln			Pamlico			Surry
		Alexander			Cherokee			Graham			Macon			Pasquotank			Swain
		Alleghany			Chowan			Granville			Madison			Pender			Transylvania
		Anson			Clay			Greene			Martin			Perquimans			Tyrrell
		Ashe			Cleveland			Guilford			McDowell			Person			Union
		Avery			Columbus			Halifax			Mecklenburg			Pitt			Vance
		Beaufort			Craven			Harnett						Polk			Wake
		Bertie			Cumberland			Haywood			Mitchell			Randolph			Warren
		Bladen			Currituck			Henderson			Montgomery			Richmond			Washington
		Brunswick			Dare			Hertford						Robeson			Watauga
		Buncombe			Davidson			Hoke			Moore			Rockingham			Wayne
		Burke			Davie			Hyde			Nash						
		Cabarrus			Duplin			Iredell			New Hanover			Rowan			Wilson
		Caldwell			Durham			Jackson						Rutherford			Yadkin
		Camden			Edgecombe			Johnston			Northampton			Sampson			Yancey
		Carteret			Forsyth			Jones						Scotland			
		Caswell			Franklin			Lee			Onslow			Stanley			Entire State
		Catawba			Gaston			Lenoir			Orange			Stokes			

Please indicate if you are attaching partial county assignments.

I certify that this designation of counties and/or other territory for the brand indicated above is the correct designation, as contained in the distribution agreement between the above named wholesaler and supplier.

Wholesaler Signature _____ Date _____

Supplier Signature _____ Date _____

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(919) 779-0700 Fax (919) 662-3583

Distribution Agreements

North Carolina has a strong three-tier system in place. Simply stated, this means that the company (supplier) wishing to sell products in NC (first tier) may sell and ship only to wholesalers (second tier) in this State. The wholesalers may sell only to retailers (third tier) or other wholesalers. The type of ABC permit that your company holds to do business in NC determines whether or not your company must file Distribution Agreements according to NC Franchise Laws.

- ***NC based Brewery, NC based Malt Beverage Importer or Nonresident Malt Beverage Vendor Permittees*** are required to submit territorial assignments for all brands on a Distribution Agreement Filing Form before label/product approvals may be granted.
- ***NC based Winery and Nonresident Wine Vendor Permittees*** are required to submit territorial assignments once their company ships a total of 1,250 cases into the State. This is per calendar year. When registering new brands, prior to reaching this volume, these permittees may submit the form indicating they do not sell more than 1,250 cases.

Each Distribution Agreement shall designate a sales territory of the named wholesaler. A supplier may not enter into more than one agreement for each brand of wine or malt beverage that it offers in any territory. North Carolina defines brands as follows:

Malt Beverages (T04: 02T .0103) For purposes of Article 13 of Chapter 18B. The Beer Franchise Law, a Distribution Agreement between a supplier and wholesaler applies to all products distributed by the supplier under the same brand name. Different categories of products manufactured and marketed under a common identifying trade name are considered to be the same brand; e.g., the “Old Faithful” brand manufactured by Yellowstone Brewery Co. would include “Old Faithful”, “Old Faithful Light”, “Old Faithful Draft”, “Old Faithful Dry” and other products identified principally by and relying upon the “Old Faithful name, but would not include “Old Teton” which was also manufactured by Yellowstone Brewery Co. Determination of a product’s brand shall be made at the time the product is approved for sale in North Carolina and shall not be affected by later changes in the manufacturer’s advertising strategy or labeling. Differences in packaging, such as different style, type or size of container, do not establish different brands.

Wines (T04: 02T .0101) (1) “Brand” in relation to wines, means the name under which a wine is produced and shall include trade names or trademarks. A brand shall not be construed to mean a class or type of wine, but all classes and types of wines sold under the same brand label shall be considered a single brand. Differences in packaging such as a different style, type or size of container are not considered different brands.

Instructions for Completing Form (Please print or type all information with the exception of the signatures requested.):

1. Complete a Distribution Agreement Filing Form for each brand and NC wholesaler designated to carry that brand. If you ship to multiple locations for a particular wholesaler, you must complete this form for each location. **Do not place more than one wholesaler or brand on each form.**
2. If the wholesaler has been assigned partial areas within a county, please indicate this at the bottom of the form. Submit, along with the completed form, on a separate sheet of paper, the county in which the territory is assigned and a description of the serviced area.
3. Submit this form instead of an actual equity agreement.
4. Complete this form for:
 - New brands (do not submit this form when you add a new type or class under an existing brand)
 - New wholesaler assignments
 - New wholesalers including wholesaler buyouts and brand acquisitions
 - Amendments to agreements currently on fileResubmit new Distribution Agreement Filing forms for each wholesaler that is affected by any change.
Note “Revised” prominently on the form. **(We need copies of termination and release letters if applicable.)**
5. The suppliers and wholesalers official, authorized to assign and accept territorial assignment, must sign where indicated. Compliance company employees may not sign this form on the supplier’s behalf without a Power of Attorney.
6. Send a copy of the completed Distribution Agreement Filing form to our office, a copy to the wholesale distributor and keep a copy for your records.

Copies of NC ABC Laws and Rules may be purchased and is recommended. If you need personal attention, please feel free to contact the Product Compliance Department at the North Carolina ABC Commission.