

4301:1-1-43 Furnishing signs, fixtures, equipment, advertising materials, and advertising specialties, **return of merchandise: limitations thereon: prohibited practices** and prohibition of cash deposit or prepayment.

(E) No manufacturer, supplier, or wholesale distributor of alcoholic beverages shall accept the return of or repurchase any alcoholic beverages from any retail permit holder, and no manufacturer or supplier shall accept the return of or repurchase any alcoholic beverages from any wholesale distributor, except as follows:

(1) The manufacturer, supplier, or wholesale distributor may, but shall not be required to, repurchase from a retail permit holder any alcoholic beverages when the retail permit holder's permit has been revoked, not renewed, or the right to sell the alcoholic beverages has been canceled in any manner by law or by action of the manufacturer or supplier, provided that the alcoholic beverages are sealed and intact.

(2)

(a) The manufacturer, supplier, or wholesale distributor may, but shall not be required to, replace with the same or similar alcoholic beverages any alcoholic beverages when the container or labels have deteriorated or become damaged, or when a package or product is discontinued by a manufacturer. Any alcoholic beverages that are being replaced shall be replaced with a package or product of comparable price.

(b) When any alcoholic beverages, in the opinion of the person supplying said beverages, are unpalatable or are about to become unpalatable, such person may replace said beverages with the same or similar alcoholic beverages.

(c) When any alcoholic beverages are delivered in error, the manufacturer, supplier, or wholesale distributor may pick up the alcoholic beverages within seven days, not including Saturday or Sunday, from the original date of delivery.

(d) Except for unpalatable alcoholic beverages, it is further provided that no manufacturer or wholesale distributor shall repurchase or replace any alcoholic beverages in the possession of a retail permit holder unless the contents are sealed and intact, and were originally sold by the manufacturer or wholesale distributor, or their immediate predecessor.