

VBA PROPOSED AMENDMENT TO H.710

§752. DEFINITIONS

“Annual Sales” means the total volume of malt beverages sold by the wholesale dealer of all malt beverage products supplied by all manufacturers and certificate of approval holders in the prior 12-month period. **A wholesale dealer’s total annual sales of malt beverage by volume shall include the worldwide, aggregate amount of all brands of malt beverages that are sold directly or indirectly, by the wholesale dealer and any entity that controlled, was controlled by, or was under common control with the wholesale dealer during the year.**

The purpose of including a % of portfolio is to consider the impact that allowing a small brewer to negotiate a contract, including termination provisions, could have on a distributor. The VBA believes that to accurately evaluate that impact, the malt beverage portfolio of the all brands sold directly or indirectly by the distributor and any entities the distributor controls must be included.