

**STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF ALCOHOLIC BEVERAGE CONTROL**

**AN 2024-04
AMENDED ADVISORY NOTICE TO THE INDUSTRY REGARDING THE
PRODUCT/BRAND REGISTRATION AND RENEWAL PROCESS**

The purpose of this Advisory Notice is to amend Advisory Notice (AN) 2022-03, issued on December 19, 2022, to address industry concerns and technical matters related to the new brand registration renewal process.¹

The Division of Alcoholic Beverage Control (“Division”) issued AN 2022-03 to continue with the Division’s efforts to modernize its brand registration process through its electronic licensing system known as POSSE, to ensure the brand registration process conforms with the regulations at N.J.A.C. 13:2-33.1(a), and to better identify the products being sold in New Jersey. In addition to the regulatory requirements, AN 2022-03 allowed brand registrants/suppliers to include the Universal Product Code (“UPC”)² or an alternative “product ID” number if no UPC number was available, for each alcoholic beverage sought to be registered.

The Division gave brand registrants/suppliers one year to use the new brand registration system and to populate the system with unique UPCs or alternative “product ID” numbers to identify their products. It was the Division’s understanding that UPC numbers contain unique

¹ See AN 2022-03, Notice to the Industry Regarding the Product/Brand Registration and Renewal Process. [AN 2022-03 Advisory Notice to the Industry Regarding the Product - Brand Registration and Renewal Process.pdf \(nj.gov\)](#).

² UPC numbers are numeric codes that are assigned to specific products. These codes are universal and follow the product across retailers. UPCs are regulated by the GS1 US, part of an international standards organization that maintains the guidelines for product identification and registration. See [What Is a Universal Product Code \(UPC\)? | Business.org](#), last visited 4.12.24. UPC numbers for use in the Division’s POSSE system must contain 12 or more numbers.

identifying information and are generally product specific and that alternative “product ID” numbers would assist the Division in identifying specific products.

While the new brand registration renewal system has been largely successful, the Division has become aware that some brand registrants/suppliers have registered their products with an alternative “product ID” number that does not conform to the format prescribed by POSSE, and/or have used a single UPC number to register multiple products. Allowing multiple products to have the same UPC number prevents the Division from being able to use the UPC number as a unique product identifier, affects the accuracy of the data collected, and impedes the Division’s further modernization plans, including the upcoming “roll out” of the electronic Current Price List (eCPL).

Therefore, the Division will no longer be permitting brand registrants/suppliers to use self-created alternative “product ID” numbers during the brand registration process. Nor will the Division permit brand registrants/suppliers to use the same UPC number when registering more than one product.³ Brand registrants who have used either alternative “product ID” numbers or a single UPC number for multiple products will need to amend their brand registrations. Until July 31, 2024, the Division will allow such amendments to be made free of charge. The amendments allowed by this amended Advisory Notice are described in detail below.

I. Alternative “Product ID” Numbers.

Although previously authorized in AN 2022-03, alternative “product ID” numbers will no longer be permitted when registrants brand register a product. An alternative “product ID” number was defined as any other number/code that the registrant uses for internal inventory control for that specific product. While some registrants used the appropriate format described in AN 2022-

³ This includes seasonal products. As described below, each seasonal product must have its own UPC or unique system-generated number. The Division is aware that some brand registrants may re-use the same UPC number when brand registering seasonal products. This practice is not allowed if the seasonal products will be sold or offered for sale on the same Current Price List (“CPL”) in any given month.

03 when filing alternative “product ID” numbers, the Division found that some registrants used letters and special characters that did not conform to the POSSE format.⁴ Consequently, the use of alternative “product ID” numbers caused unintended filing issues in POSSE and will interfere with the Division’s future “roll out” of its eCPL. Therefore, for consistency, accuracy, and transparency of the data, the Division is discontinuing the use of alternative “product ID” numbers when brand registering a product.

For those registrants who used alternative “product ID” numbers when they initially brand registered their products, and the product does not have a unique UPC number, registrants will have to amend their brand registrations. In the public portal in POSSE, registrants should click on the Product/Brand Registration icon which will take them to the Product/Brand Registration page. Then, in the Amend Products section on this page, registrants should click on the UPC Update Amendment icon to correct/update the UPC field. Registrants are required to enter a ZERO (“0”) in the UPC field and the system will generate a unique identifying number. This unique system-generated number will be provided to the registrant in the brand registration/renewal approval letter for use in future brand registration renewals and CPL filings. A brand registrant may amend this system-generated number if it chooses to assign that product a unique UPC number in the future. Please be advised that this system-generated number is not a true UPC as defined in FN 2 above, and is intended only for use in the Division’s POSSE system for brand registration and CPL filing purposes.

As an accommodation to registrants, the amendment to correct alternative “product ID” numbers will be free of charge through July 31, 2024. Amendments made on or after August 1, 2024, will be subject to the statutory amendment fee of \$10 for each amendment.

⁴ AN 2022-03 advised registrants that alternative “product ID” numbers could not include letters or special characters.

II. UPC Numbers.

As noted above, a UPC number (which must contain 12 or more numbers) may only be associated with one product for all brand registration and CPL filing purposes. The Division is aware that some registrants have used one UPC number to brand register numerous products. This causes unintended brand registration and CPL filing issues in the POSSE system. Registrants who have registered more than one product under a single UPC number have been notified and advised to amend their brand registrations. Amendments to the UPC numbers to conform to the guidance provided herein should be made by July 31, 2024, at no charge to the brand registrant. Amendments made on or after August 1, 2024, will be charged the statutory fee of \$10 for each amendment.

If a brand registrant/supplier attempts to assign a unique UPC number to more than one product, registrants will receive an error message that will not allow them to complete and submit the brand registration. Should that occur, registrants have two options. First, they may follow the same procedures explained in the section above pertaining to amending alternative “product ID” numbers, including the utilization of system-generated numbers. Alternatively, if a registrant chooses not to sell or offer for sale a product in this State, it may terminate the existing brand registration number, and re-use the associated UPC number when registering a different product. The Division stresses, however, that under no circumstance may multiple products be sold or offered for sale in this State and listed on a CPL in any given month with the same UPC number.

Be advised that every licensee who sells or offers for sale alcoholic beverages to retailers must include on their CPL a valid brand registration number, or the product may not be sold in New Jersey. See N.J.A.C. 13:2-24.6.

Detailed instructions for completing brand registrations will be available on POSSE and the Division website. Until then, to the extent there is a conflict between the guidance in this Advisory Notice and the instructions as currently posted, the guidance contained in this document shall apply.

This Advisory Notice does not impose any new or additional requirements that are not required by statute or regulation and does not establish any rights or obligations for any person. This document does not provide legal advice and should not be treated as providing legal advice. Licensees should speak to a qualified attorney for legal advice on this or any other alcoholic beverage matter. Questions about this amended Advisory Notice or the brand registration process should be directed to the Brands Unit at (609) 984-2830.



MISSY URBAN
ACTING DIRECTOR

Dated: June 26, 2024
KLK/ABC