



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

Karen Ross, Secretary

September 9, 2020

DMS NOTICE
D – 20 – 05
Discard: Retain

TO: WEIGHTS AND MEASURES OFFICIALS

Subject: Beverage Dispenser Systems

The Division of Measurement Standards (DMS) is aware of full- or self-serve beverage dispenser systems that sell beverages such as beer, wine, and other drinks by the fluid ounce, milliliter, pints, and other legal units of liquid measure.

DMS is aware that these beverage dispenser systems are being used in California for “commercial purposes” according to the definition of the term “commercial” in the Business and Professions Code, Division 5, § 12500(e). Before any commercial measuring device can be sold or used in California, it must first be evaluated and approved by the Department of Food and Agriculture. Additionally, it is unlawful to sell or use these dispensers for commercial purposes until approved by the Department.

As of the date of this notice, there are no full- or self-serve beverage dispenser systems with a California Type Evaluation Program California (CTEP) Type Certificate of Approval, or a National Type Evaluation Program (NTEP) Certificate of Conformance issued by the National Conference of Weights and Measures (NCWM).

Weights and measures officials should take the following steps when they come find these unapproved dispensers:

- Do not permit the device to be used commercially.
- Affix a Yellow “unapproved device” tag to the device(s). Do not test, seal, “red-tag”, or “blue-tag” these systems.
- Notify the owner/operator and explain the need to use an approved device. Encourage them to have the device manufacturer contact DMS to begin the type evaluation process.

It should be noted that beverages dispensed in small, medium or large sizes are not regulated by the Department if there is no declaration of quantity by a unit of measure. Examples of this method of sale include convenience stores, movie theaters, and fast-food establishments.

It should also be noted that owners/operators of beverage dispenser systems may not convert their equipment to measure by the “glass” or “fraction of a glass.” These terms are not legal units of measure and have no defined quantity.



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If you have questions, please contact the Device Enforcement Program at (916) 229-3000 or dms@cdfa.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Kristin Macey". The signature is written in a cursive, flowing style.

Kristin Macey
Director

cc: Hyrum Eastman, County/State Liaison