



California’s Automatic Renewal Law (ARL), effective since 2010 and codified in Business and Professions Code sections 17600 et seq., is a consumer protection law that applies to wine clubs and other subscription-based wine services. This checklist is designed to help California wineries review their operations in key ARL compliance areas. It is intended as a practical reference only and should not be relied upon as legal advice. Members should consult legal counsel to ensure full compliance.

Legal disclaimer: The following content is for informational purposes only and does not constitute legal advice or create an attorney-client relationship.

California’s Automatic Renewal Law: What California Wineries Need to Know Checklist	
<input type="checkbox"/> Consumer Consent	<ul style="list-style-type: none">• Does your agreement show that the consumer is giving “express” affirmative consent?<ul style="list-style-type: none">○ The ARL does not define what constitutes “express” affirmative consent for consumers. Regardless, good practices to consider for digital or print agreements include: (1) using an “opt-in” check-the-box that stands alone (i.e., not paired with other disclosures such as privacy policies); (2) using clear and conspicuous language that sets forth the terms of the automatic renewal service in a straightforward manner and the consumer’s affirmative consent to those terms; and (3) avoiding visual clutter, confusing or contradictory language, or other distractions near or within the consent form.• Do you have a method for retaining verification of consumer consent?<ul style="list-style-type: none">○ Make sure to track and keep records of consumers’ affirmative consent for the required period—either three years or one year after the contract ends, whichever is longer.○ Consider maintaining records beyond the minimum timeframe to account for potential consumer claims (e.g., four-year statute of limitations under California’s Unfair Competition Law).



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<input type="checkbox"/> Disclosures and Notices	<ul style="list-style-type: none"> • Do your enrollment processes include all the required disclosures and notices? <ul style="list-style-type: none"> ○ Review enrollment processes to ensure all required disclosures are included and confirm that consumers receive advance notice of pricing, billing frequency, and key terms before their billing information is confirmed. • Are consumers provided with clear, retainable notice of future fee changes, including instructions for cancellation? <ul style="list-style-type: none"> ○ Assess operations to ensure consumers receive proper notice of any future fee changes. Ensure notices are sent in a retainable format, and that cancellation procedures are included. • Are annual reminders for subscribers scheduled and delivered through the appropriate communication channel? <ul style="list-style-type: none"> ○ Verify that annual reminders are scheduled for subscribers with annual agreements. Additionally, confirm that reminders are delivered either through the same method used for agreement acceptance or via the channel the customer typically uses to communicate with your business.
<input type="checkbox"/> Cancellation	<ul style="list-style-type: none"> • Are subscription and cancellation options available through the same channels consumers use to subscribe or interact with the winery? <ul style="list-style-type: none"> ○ Review the channels through which consumers subscribe for services and/or interact with your business. Ensure that cancellation flows facilitate easy cancellation in compliance with recent amendments. ○ For example, if consumers can subscribe in person or online, ensure that they can also cancel subscriptions in the same manner. Likewise, if



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	<p>subscriptions are activated by phone, review your website to ensure the cancellation phone number is clearly visible.</p> <ul style="list-style-type: none"> • Does staff inform customers that they can cancel at any time before presenting retention offers or discounts? <ul style="list-style-type: none"> ○ Confirm that staff understand discount offers can be presented during the cancellation process, but only after clearly informing the customer that they may cancel the subscription at any time by stating their intention to cancel. • Do online discounts or retention offers allow cancellation at any time, with a clearly visible click-to-cancel option? <ul style="list-style-type: none"> ○ Review any online discount offers or retention benefits to ensure cancellation remains possible by prominently featuring a “click-to-cancel” button or link. • Are staff who handle consumer calls trained to respond to cancellation requests promptly? <ul style="list-style-type: none"> ○ Inform staff who handle calls and monitor voicemails to recognize that any cancellation request must be addressed—either processed or the phone call returned—within one business day.
<input type="checkbox"/> Misrepresentations and omissions	<ul style="list-style-type: none"> • Are your winery's automatic renewal and continuous service disclosures accurate, clear, and transparent, avoiding any misrepresentations or omissions?



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	<ul style="list-style-type: none">○ While material misrepresentations or omissions are already prohibited under California law, the ARL provides regulators and proactive attorneys an additional enforcement mechanism.○ Review automatic renewal or continuous service disclosures to ensure the disclosures clearly and accurately describe the goods or services offered. Ensure that the entire transaction is transparent and easily understood by consumers.