

**ESBER BEVERAGE COMPANY, APPELLANT, v. CANANDAIGUA WINE COMPANY,
INC. APPELLEE.**

[Cite as *Esber Beverage Co. v. Canandaigua Wine Co.*, 1994-Ohio-48.]

Commercial transactions—Alcoholic beverages franchise not created by operation of law pursuant to R.C. 1333.83 through the mere existence of a written contract between a manufacturer and distributor of such products, where the contract disclaims any intention to create such a relationship and the contract term is for less than six months.

(No. 93-86—Submitted January 25, 1994—Decided March 23, 1994.)

CERTIFIED by the Court of Appeals for Stark County, No. CA-8974.

Comstock, Springer & Wilson and Marshall D. Buck, for appellant.

Jones, Day, Reavis & Pogue, John W. Edwards II, Kathleen B. Burke and John M. Majoras, for appellee.

The cause is affirmed on authority of *Tri County Distrib., Inc. v. Canandaigua Wine Co.* (1993), 68 Ohio St.3d 123, 623 N.E.2d 1206.

MOYER, C.J., A.W. SWEENEY, DOUGLAS, WRIGHT, RESNICK, F.E. SWEENEY and PFEIFER, JJ., concur.
