

2009: Best Vintage Since 2005?

Free the Grapes! Applauds 2009 Direct Shipping Wins in Kansas, Tennessee, Maine, Florida

July 6, 2009, Napa, CA – For improving winery direct shipping laws, 2009 may be the best vintage since 2005 or even 2003.

Free the Grapes!, the national consumer-winery grassroots coalition that supports legal, regulated direct shipping, summarized results so far in 2009:

- Wins: Legislators in Tennessee, Kansas and Maine created winery direct shipping permits, increasing the number of active, legal states to 37, which represent 83% of U.S. wine consumption
- Defense: Florida's legislature held back the fourth consecutive attempt to impose a capacity cap that would have banned shipments, but only from medium and large wineries
- Momentum: Maryland saw unprecedented local support for two direct shipping bills that ultimately died in committee, but consumers continue to send letters to their representatives. And New Jersey's legislature is still considering a pro-shipment bill.

"2009 is shaping up to be a vintage year for the wine consumer, rivaling landmark years like 2005 and 2003" said Jeremy Benson, executive director of Free the Grapes!

In 2005, the U.S. Supreme Court ruled in *Granholm v. Heald* that states cannot discriminate against wineries based on their location. Legislative victories included New York, Texas and Connecticut, opening these important states to winery direct shipping.

In 2003, the direct shipping issue hit a tipping point. The Federal Trade Commission issued a sweeping, independent report that debunked the red herrings of underage access and tax avoidance. Legislative victories included Virginia, North Carolina and South Carolina. Legal victories included a 5th Circuit ruling that overturned Texas' ban on shipments, and provided the first complete legal victory for the Coalition for Free Trade, which ushered the issue before the U.S. Supreme Court in 2004.

Oral arguments are likely to be scheduled for this October in *Family Winemakers v. Jenkins*, which challenges Massachusetts' ban on shipments from wineries producing more than 30,000 gallons and who also retain a Massachusetts wholesaler. (In this case, Family Winemakers of California is the lead plaintiff with substantial funding from the Coalition for Free Trade.) Earlier, Judge Zobel ruled the law unconstitutional and enjoined the state from enforcing the statute, however, Attorney General Martha Coakley appealed the decision.

Since the wine industry's legislative-litigation-PR strategy was implemented in 1998, the number of states allowing winery-to-consumer shipments has increased from 17 to 37 states, which represent 83% of wine consumption (source: Adams Wine Handbook, 2006 table wine consumption figures). The model direct shipping bill is now the legislative standard used by the majority of U.S. states. Only 13 states do not allow winery shipments and Free the Grapes! will continue to look to improve consumer choice for wine in states such as Pennsylvania, Massachusetts, Maryland, New Jersey, Ohio, and others. Wine lovers can subscribe to direct shipping email updates at www.freethegrapes.org and become a fan on [Facebook](https://www.facebook.com/freethegrapes).

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