



For Immediate Release: August 13, 2007

Illinois Cuts Off Consumer Access to Wine

—Wine Retailers Warn of Higher Prices, Less Access To Wine, Lawsuit—

Sacramento, CALIF)—Last week the Illinois Senate voted to strip out-of-state wine retailers of the right to ship to Illinois consumers in a 49 to 5 vote that will send HB 429 to the governor for signature. Wine retailers across the country as well as hundreds of California “virtual wineries” will no longer have access to consumers in Illinois. According to the Specialty Wine Retailers Association (SWRA) the move is likely to spur a lawsuit as the legislation is in direct conflict with the 2005 *Granholm v. Heald* Supreme Court decision on wine shipping.

“We are disappointed the Illinois General Assembly chose to protect the interests of a small group of powerful, well-moneyed alcohol distributors over the interests of Illinois consumers,” said Tom Wark, Executive Director of SWRA. “It’s shameful that to-date no Illinois legislator has found time to offer any justification for stripping consumers of a right they’ve had for 15 years to purchase wine from out-of-state retailers. We take this reluctance and disregard for their constituents as indication that campaign contributors, not constituents, are the real power in Illinois.”

Hundreds of Winemakers Locked Out of Illinois Also

The new law will also block hundreds of winemakers in California from shipping wine to Illinois. Many California wine brands do not possess the appropriate California license that the new Illinois law insists an out-of-state shipper must have in order ship wine. California’s so-called “17/20” or “virtual wineries” have lost access to the Illinois market.

According to Brian Rosen, Owner of Sam's Wine & Spirits of Illinois and a member of the Specialty Wine Retailers Association, “Laws like this seem like wins for Illinois retailers, but those are temporary. Not only do they hurt consumers in a fundamental and unfair way, but they also put Illinois retailers at risk. Other states will see this kind of discriminatory law and will be encouraged to retaliate. The consequences of this law will be far reaching for the State of Illinois, Illinois retailers and Illinois consumers and none of them are good.”

The discriminatory nature of HB 429 is found in the fact that while in-state Illinois retailers may ship to Illinoisans, out-of-state retailers may not. This kind of blatant discrimination was found to be unconstitutional not only in the 2005 *Granholm v. Heald* Supreme Court decision but in a subsequent Federal court decision in Massachusetts.

“Illinois legislators were informed that HB 429 would result in a lawsuit due to it not complying with the *Granholm v. Heald* Supreme Court decision that addressed the requirement for evenhandedness between in-state and out-of-state wine shippers,” said Wark. “In addition to dismissing consumer interests, legislators have saddled Illinoisans with the cost of a lawsuit that is now inevitable.”

The SWRA was the only nationwide wine organization or consumer advocate that represented the interests of Illinois consumers and opposed HB 429. SWRA is committed to continue to represent not only the interest of American wine lovers by opposing this and other attempts to limit access to wine, but to continue to fight in Illinois.

SWRA is an association of wine retailers across the country. More information on SWRA can be found at <http://www.specialtywineretailers.org>.

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