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## **CONSUMERS WIN ACCESS TO WINE WITH FEDERAL COURT RULING**

### **—Ban On Out-of-State Retailer Shipping into Michigan Ruled Unconstitutional—**

Sacramento, CALIF—The Specialty Wine Retailers Association (SWRA) applauded a Federal District Court ruling that for the second time this year ruled that it is a violation of the U.S. Constitution for a state to prohibit their consumers from having wine shipped to them wine from out of state retailers when the state permits shipments from in-state retailers. The latest judgment against protectionist state wine laws came in a Michigan Court on September 30 in the case of *Siesta Village Market v. Granholm*. It followed on the heels of a decision in a Texas Federal Court earlier this year that struck down the same type of protectionist legislation in Texas.

Since the landmark *Granholm v. Heald* Supreme Court decision in 2005 many states have created new protectionist rules that bar consumers from having wine shipped to them from out-of-state retailers. SWRA has said this kind of legislation violates the U.S. Constitution and elevates special interests over the consumer's right to value, convenience and legal access to wine from all over the world.

“The Michigan ruling is another nail in the coffin of the anti-consumer, protectionist forces in the American wine marketplace and is a significant victory for consumers and free trade advocates,” said Tom Wark, Executive Director of the SWRA, “We hope that lawmakers will take note of this decision and take the courageous step of beginning the process of changing their laws that hamper consumer rights.”

Professor Alex Tanford of the Indiana University School of Law successfully challenged Michigan's anti-consumer laws on behalf of Florida wine retailer Siesta Village Market and two Michigan consumers who were barred by Michigan's laws from engaging in commerce. Professor Tanford has been instrumental in bringing to light discriminatory wine laws in a number of states.

The ruling by Judge Denise Hood emphasizes that the principle in the *Granholm v. Heald* decision that states do not have the power to discriminate against out-of-state wineries applies equally to retailers:

*more*

*“While the Heald court did state that the three-tier system was an appropriate use of state power, it did not approve of a system that discriminates against out-of-state interests. The Supreme Court made clear in Heald that a state’s power under the Twenty First Amendment is not above the Commerce Clause nondiscrimination requirement.”*

The decision immediately enjoins the state of Michigan from enforcing any laws that prohibit Michigan consumers from buying and having shipped to them wine from out of state retailers, essentially freeing Michigan wine lovers to finally access the full measure of wines available in the American marketplace.

Specialty Wine Retailers Association is a national organization of retailers and consumers that work to provide greater access to the full measure of wines in the American marketplace though well regulated direct shipment of wine. For more information visit [www.specialtywineretailers.org](http://www.specialtywineretailers.org).

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