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Supreme Court Decision Supports Wine Direct Shipping

(Sacramento, CALIF)—The Specialty Wine Retailers Association (SWRA) today expressed its support for the U.S. Supreme Court's recent decision in *Rowe v. New Hampshire Motor Transport* (<http://www.law.cornell.edu/supct/html/06-457.ZO.html>), and noted that the decision strengthened and validated laws requiring retailers and wineries shipping wine to verify the age of the recipient.

In striking down a Maine law requiring common carriers to obtain signatures of those having cigarettes shipped to them, the Supreme Court simply found that states could not independently force a third party carrier to take responsibility for the product because carriers in interstate commerce are regulated by federal law, not state law, and are not the sellers of the product. This did not adversely affect any law or regulation requiring a retailer or winery, not the shipping company, to verify the age of the recipient of wine via the signature of someone over 21. All wine direct shipping regulations place the responsibility for verifying the age of the recipient of the wine on the winery or retailer, not the common carrier.

"Wine retailers are committed to verifying the age of recipients receiving wine via shipment by common carrier and welcome the fact that where shipping is allowed, it is the retailer's responsibility - not the carrier's liability - for checking identification," said Tom Wark, executive director of the SWRA. "For this reason retailers and wineries happily pay common carriers for special identification services at the point of delivery.

"Undoubtedly the alcohol distributor cartel that wants to shut down any wine shipping that does not allow them to line their own pockets will try to use this decision to scare lawmakers and regulators," said Wark. "The American alcohol distributors' calls for shutting down all direct to consumer wine shipments is a self serving ruse demonstrated by the fact that if they really cared about minor access to wine, they would call for the shutting down of the channel of sales through which minors are most likely to obtain alcohol: brick and mortar alcohol sales. Rather, we only hear calls to shut down direct shipment of wine, the channel through which distributors don't make money."

Wark added, "When distributors start talking about shutting down the channel of sales through which they profit, rather than the channel by which minors are least likely to obtain wine, we will start taking them seriously."

SWRA and its members endorse age verification systems for assuring that those ordering wine via the Internet are 21 or older - as well as the implementation of permit laws that require wine retailers and wineries to contract with shipping companies to obtain signatures of adults when alcohol is delivered, and for the retailer to take responsibility for those sales and for the carriers they hire.

Specialty Wine Retailers is an association of Internet wine retailers, brick and mortar wine retailers, wine auction houses and wine clubs that advocate for fair wine shipping laws and consumer access to wine.

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