

Senator Scott P. Brown

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BROWN PUSHES FOR FAIR WINE SALES REGULATIONS

Allows Mass. consumers to purchase out-of-state wine online

The May 16th Supreme Court ruling cleared the way for Massachusetts to become the 27th state to allow direct shipment of out-of-state wine.

The Court ruled that the state cannot bar consumers from purchasing mail-order from out-of-state wineries if they allow residents to ship from in-state vineyards.

“It’s a simple matter of fairness, to consumers, and to vineyards,” said State Senator Scott Brown. “No other product receives this special advantage of avoiding competition from out of state; consumers should have a choice.”

Senator Brown has cosponsored a bill with Senator Robert O’Leary (D-Barnstable) that removes the same section of law that the ruling declared unconstitutional, and legalizes the practice of Massachusetts consumers receiving direct shipments from out-of-state wineries.

Paul J. Malagrifa of Wrentham, a Certified Specialist of Wine, Certified Wine Educator and host of www.musingsonthevine.com is one of many constituents in Senator Brown’s district that are advocating for the bill.

As an avid wine consumer, Mr. Malagrifa wants to purchase specialty wines from across the country, which are available online, but illegal for him to purchase as a Massachusetts resident. Because he is an individual consumer, and not a wholesaler, the law restricted him to receiving in-state wine via mail.

"The enjoyment and pleasure that a citizen derives from wine should not be preempted by state laws that discourage free trade and effectively stymie the effect of competition on the market," said Malagrifa. "As a wine educator, I see this decision ultimately doing more to promote the enjoyment of wine across the board in Massachusetts, which will have a positive effect across the industry. This benefit underscores the fact that changing the law is less about cost than it is about availability."

Opponents, including wholesalers - the only individuals allow to import wine to Massachusetts under current law- argue that more wine shipment will increase underage drinking. The Supreme Court, however, rejected that argument. The Court found that states allowing out-of-state shipments have not witnessed an increase in underage drinking compared to states that prohibit it.

The bill, Senate Bill 163, awaits a hearing with the Committee on Consumer Affairs and Professional Licensure.

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