

DEL RIO NEWS-HERALD

U.S. court rules wine OK by mail

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Texas wine connoisseurs will be raising their glasses after a U.S. Supreme Court ruling and a newly signed state law uncorked wine-by-mail regulations.

The high court Monday opened up markets nationwide for wine shipments by mail.

A week earlier, Gov. Rick Perry signed into a law legislation that allows all Texas households to receive wine by mail, including those in dry areas.

Val Verde Winery owner Tommy Qualia expressed delight with the ruling Tuesday morning.

In April, Qualia began participating in a state program promoting products from Texas, including wines.

The "Go Texan" program allowed shipments of Qualia's wine to designated package stores in "wet" cities and counties.

But now Val Verde Winery products can be shipped nationwide, thanks to Monday's Supreme Court ruling.

The Texas Alcoholic Beverage Commission is preparing a newsletter for Texas' wineries, apprising owners of procedures and limitations of the ruling.

In addition, Qualia is expecting an "industry circular" from federal Alcohol and Tobacco Tax and Trade Bureau.

"We won't go out of the country, but we have

people who have requested our products for years all over the United States," Qualia said. "So, we're really looking forward to it.

"Yes, it will be good for our sales, but it will be a great convenience for our customers, too."

The winery is located at 100 Qualia Drive in south Del Rio.

Previous Texas law had made direct shipment risky because wet and dry areas can be hard to distinguish, according to Les Constable, owner of Brushy Creek Vineyards in Alvord, northwest of Dallas.

Out-of-state shipments, he said, were difficult because of Texas shipping restrictions and by protective legislation in states such as California, Virginia, New York and Michigan.

In its 5-4 decision, the high court struck down laws in Michigan and New York that prohibited out-of-state wineries from delivering directly to consumers.

Michigan and New York had argued that passage of the 21st Amendment, which repealed Prohibition in 1933, gave states power to regulate alcoholic beverages.

In the majority opinion, Justice Anthony Kennedy said states can't be given the power to discriminate against interstate commerce.

"State policies are protected under the 21st

Amendment when they treat liquor produced out of state the same as its domestic equivalent,” Kennedy said.

He called the Michigan and New York laws “straightforward attempts to discriminate in favor of local producers.”

The majority decision brought a dissent from Justice Clarence Thomas. He argued that the lengthy history of Prohibition and post-Prohibition legislation showed that states ratified the 21st Amendment with the understanding that they would be allowed to regulate - even discriminate against - out ofstate brewers, distillers and vintners.

Texas vintners are not the only ones who may benefit from the changes.

Bill Brinton of Charles Creek Vineyards in Sonoma, Calif., said the changes in law make Texas wine consumers a very attractive market for vintners - especially smaller vineyards - from any state.

“We’re really excited about the possibilities in Texas,” said Brinton, whose small operation yields 12,000 cases of wine per year. “The door is open, and we’re going to charge in.”