

JUSTICES LIFT BAN ON INTERSTATE WINE SHIPPING

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If you're a wine lover, you might want to raise a glass to five justices on the U.S. Supreme Court.

In a 5-4 vote, the court ruled Monday that oenophiles can buy directly from out-of-state vineyards. "It's about time," Jupiter wine collector Bob Allan said. "Maybe now Florida will have the opportunity to try some really terrific wines that come from small wineries."

The decision overturns laws in New York and Michigan and muddies those in 22 other states, including Florida, that ban interstate shipping.

But the Florida Coalition to Prevent Underage Drinking and similar groups fear the high court's ruling, which involves only the \$21 billion wine industry, ultimately could give minors easier access to all kinds of alcohol.

"States have broad power to regulate liquor," Justice Anthony Kennedy wrote for the majority. "This power, however, does not allow states to ban, or severely limit, the direct shipment of out-of-state wine while simultaneously authorizing direct shipment by in-state producers."

Under the 21st Amendment, states have the right to regulate the sale and distribution of alcohol. But wine producers must be treated on "even-handed terms," Kennedy wrote.

The ruling means that Florida and the other states barring out-of-state shipments will have to review their laws to ensure that in-state and out-of-state wineries are dealt with equally.

Florida now allows alcohol sales over the Internet, but only through a licensed retailer with a location in the state.

Kelly Harris, owner of Imperial Wine Storage in West Palm Beach, said her clients routinely buy wines when they travel and look forward to having them shipped to her for storage.

"It will be interesting to see how the state of Florida reacts," she said. "I certainly hope that the state embraces the logic and desirability of facilitating interstate shipment of wine. This decision could be life-changing for oenophiles who want to be able to purchase wines directly."

Florida is home to about a dozen wineries, including Lakeridge Winery & Vineyards in Clermont. A spokeswoman who declined to give her name said the ruling will increase sales.

"We have so many people who visit us, and people who spend the winter here and go back home. They want to get the wine and they can't," she said. "It will be a nice thing for a lot of people."

Max Rittgers, owner of the 6,000-vine Dakotah Winery in Chiefland, said he expects the ruling to boost business about 20 percent.

"It's been an egregious thing in the eyes and minds of our customers," he said. "Now they feel they are being treated with parity with New York and California."

Some wholesalers and retailers could be hurt if their customers start to order directly from wine producers. But Tina DeJesus, an associate at Crown Wine & Spirits in Boca Raton, said she doesn't think that will be a big problem.

Patrons may order hard-to-find wines directly from vineyards but still will want to visit their neighborhood liquor stores, she said.

"People still like to come in and shop and touch the bottles," DeJesus said.

Lakeland-based Publix Super Markets said it was reviewing what effect the court's ruling might have on its wine sales.

"In the meantime, we're going to do what we've always done," spokeswoman Anne Hendricks said.

Mark Spivak, who co-hosts a wine talk show on WXEL-90.7 FM, wonders how people will find accurate information about some of the more obscure wines.

"How will they know what they're buying?" he asked. "This will place a real burden on consumers to do their research."

The Tallahassee-based Florida Coalition to Prevent Underage Drinking believes the Supreme Court's ruling eventually could apply to hard liquor, beer and other alcoholic beverages.

The group cited a 2004 National Academy of Sciences report that showed roughly 10 percent of children who drink alcohol order it from the Internet or through home delivery. With that number expected to grow, more than a million underage drinkers could be using the Internet to illegally obtain alcohol products, coalition spokesman John Fleming said.

"That's a real problem," he said.

Doris Carroll, community coordinator of the Palm Beach County Substance Abuse Coalition, also is concerned about what the high court's ruling could mean for alcohol abuse by minors.

"If no one's watching the kids . . . then we're really helping keep them at risk," Carroll said. "It's all about access."

Kennedy was joined in the ruling by Justices Antonin Scalia, David Souter, Ruth Bader Ginsburg and Stephen Breyer.

In a dissent, Justice Clarence Thomas argued that the 21st Amendment allows states to regulate alcohol however they want, and that the majority ruling overturned regulations aimed at protecting minors.

"The court does this nation no service by ignoring the textual commands of the Constitution and acts of Congress," Thomas wrote. He was joined by Chief Justice William Rehnquist and Justices Sandra Day O'Connor and John Paul Stevens.

Craig McDonald, owner of Stryker Sonoma Winery of Geyserville, Calif., said, "Although the ruling is a tremendous step in the right direction, wine lovers in the affected states such as Florida should know that it may take many months before they can legally purchase wine from their favorite out-of-state winery.

"Regardless, wine lovers and small wineries alike are celebrating today."

Staff writer Susan Salisbury, special correspondent Peg San Felippo and The Associated Press contributed to this story.

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Wine shipment ruling to affect states

The Supreme Court's ruling means 24 states that prohibit interstate wine shipments will have to review their laws.

Top five wine-consuming states

In millions of cases, 2003

Calif. - 46.1

Fla. - 20.6

N.Y. - 20.3

Texas - 12.8

N.J. - 11.4

Sources: Institute for Justice, Adams Wine Handbook 2004

Illustration: MAP (B&W)

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