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Family Winemakers of California cheered by passage of direct shipping statute in Massachusetts

Sacramento, California— Wineries of all sizes across the nation, and Massachusetts adults, have a reason to be cheered by Governor Patrick's signature on the state budget today, which included a long anticipated revision to the state's wine shipping law. "We know consumers and wineries have been waiting since 2006 for this day," said Joseph Harbison, chair of Family Winemakers of California (FWC) and owner of Harbison Estate Wines in Oakville, California. "The legal case that led to legislative change was extremely important because it acknowledges that post-*Granholm* discriminatory laws like production caps cannot pass legal muster. "

In 2010 the U.S. 1st Circuit Court of Appeals agreed in *Family Winemakers of California v. Jenkins* that overwhelming evidence showed the state's direct shipping law was discriminatory both in purpose and effect. Wine consumers will be able to choose which wines they want in January 2015 since wineries of all production sizes can apply for a license to ship directly to adult residents.

The appellate decision in *Family Winemakers of California v. Jenkins* upheld Judge Rya Zobel's district court ruling in November 2008. Family Winemakers, as lead plaintiff, filed the case in September 2006. "Our winery members welcome the opportunity to finally make direct-to-consumer sales in Massachusetts," said Paul Kronenberg, president of FWC.

Tracy Genesen, Lecturer in Law at Stanford Law School, was lead attorney on the case and argued at the district court and appellate level that the Twenty-first Amendment does not grant states the authority to enact facially neutral but discriminatory wine laws that would otherwise violate the Commerce Clause.

The remaining piece of the puzzle is fixing the common carrier fleet licensing issue.

Family Winemakers of California is a statewide trade association representing over 450 small and growing wineries, vineyards and supporting businesses. It was founded in 1990 to advocate the rights and interests of its members to freely produce, market and sell their products, and to preserved the broad diversity of the California wine industry.

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