



## Massachusetts Package Stores Association, Inc.

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Phone: (800) 322-1383 - [www.masspack.org](http://www.masspack.org)

### JANUARY 2019 NEWS & TRENDS

#### MESSAGE FROM MASSPACK PRESIDENT

To my fellow retailers,

I hope you had a good and prosperous holiday season. I have been in our business now for more than 45 years. I have gone from working part time at my father's store when I was going to college at Northeastern and BU to working with my brother, and now son and nephews, in our modest 4 store "chain." The past year and half have been one of disruption, with many causes.



One of several major concerns in Massachusetts was created through the ABCC via an unconventional re-interpretation of the definition of a license. This ruling in 2017 created great stress within our industry and has caused some retailers to act unilaterally. The result was needless in-fighting within the independent retailer industry.

To resolve what became an industry wide controversy, the MassPack board this past summer wisely supported a cross-accumulation amendment to the Economic Bill when it was filed along with a separate cooperative amendment proffered by MassPack. Important to note was that the two actions were unanimously supported by the board in order to avoid conflicts of interest. The amendment process was also a last-minute attempt at the end of the formal legislative session to generate a legislative fix. The two amendments were filed along with many others, but very few of which were enacted as part of the final Economic Bill. It was a legislative long shot to begin with.

This is a good time to remind everyone that we all benefit by having a very strong Massachusetts Package Stores Association. Independent retailers are being attacked by manufacturers, breweries, national chain-stores, out of state retail stores trying to ship interstate and by a Treasurer who wants to take away lottery sales from our stores through the introduction of online lottery. Even the future of the three-tier system that protects us all is being undermined as a United States Supreme Court case could decide its fate this spring.

***(READ MORE... for the full article contact MPSA office.)***

#### MESSAGE FROM THE EXECUTIVE DIRECTOR

Dear Members,

As we enter the new year, I want to personally thank all of you for supporting the Massachusetts Package Stores Association in 2018. The executive summary for 2018 was that our hard work paid off. It really was a team effort that got results. Many members provided valuable input and information, showed up at hearings across the state, wrote letters to the editor, contributed to the Strategic Fund, attended fundraisers, met with local legislators, and so much more. I want you to know that your support and involvement really made a difference. Below are some of our noteworthy accomplishments:



- Defeated amendments to both the House and Senate FY2019 budgets that would have allowed manufactures of alcoholic beverages to sell at retail off-premises in MA;
- Defeated amendments to both the House and Senate FY2019 budgets that would have expanded the ability of brew pubs to sell at retail off premises in MA;
- Defeated an amendment to the Economic Development bill that would have allowed out-of-state retailers to undermine independent stores through the legalizing of coupons;
- Defeated i-lottery legislation in Massachusetts;
- Defeated legislation to ban/restrict single-use plastic bags in Massachusetts;
- Challenged on appeal the 2017 District Court ruling allowing Total Wine, Inc. to purchase at discount in a manner not previously permitted.
- Preserved the ability of package stores to sell 50-100-250 milliliter liquor bottles within cities and towns throughout Massachusetts. Proposed bans in Randolph, Everett, Fitchburg, Winthrop and Nantucket were rescinded or prevented. **(READ MORE... for the full article contact MPSA office.)**

Respectfully,  
 Rob Mellion, Esq.  
 Executive Director and General Counsel

### **Briefs to TN v. Byrd Filed**

ABL Files Amicus Brief with U.S. Supreme Court in Tennessee Wine & Spirits Retailers Association v. Byrd  
 Source: ABL  
 November 20, 2018

American Beverage Licensees (ABL) submitted an amicus brief today with the U.S. Supreme Court in the case of Tennessee Wine and Spirits Retailers Association v. Byrd. As the petitioner in the case, the Tennessee Wine and Spirits Retailers Association is asking the Court to hold that Tennessee's durational-residency requirement for granting retail and wholesale alcohol licenses is protected under the Twenty-first Amendment, and to reverse the Sixth Circuit Court of Appeals' contrary ruling.

As ABL's brief explains, the state's residency requirements are lawful under the Twenty-first Amendment and further the State's legitimate interests as part of its multi-step and comprehensive three-tier regulatory system. The ABL brief states, "By requiring distribution to occur through entities with sufficient connections to a State, that State can best enforce its own alcohol regulations." **(READ MORE... for the full article contact MPSA.)**

### **TTB Suspends Operations Amid Government Shutdown**

Source: <https://www.winebusiness.com/>  
 by Kerana Todorov  
 December 27, 2018



The Alcohol and Tobacco Tax and Trade Bureau cautioned the agency is suspending many of its operations as the partial government shutdown enters its sixth day Thursday. Wednesday was the first working day after the Christmas holiday. TTB, a division of the US Treasury, is among the agencies affected as the US Congress and President Trump continue to lock horn over the funding of a \$5 billion US - Mexico border wall.

TTB's website at [www.ttb.gov](http://www.ttb.gov) reads "TTB is Closed" due to the "lapse in government funding."  
*(READ MORE... for the full article contact MPSA.)*

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## **Massachusetts: Massachusetts Package Store Owners Want to Join Marijuana Industry**

Source: Mike Plaisance

[www.masslive.com](http://www.masslive.com)

November 20, 2018



The Massachusetts Package Stores Association Inc. is lobbying the Legislature for permission to let proprietors obtain licenses to run shops that sell recreational marijuana products.

"We're being proactive about it, we're not waiting for it to happen," Robert A. Mellion, association executive director and general counsel, said in a phone interview Monday.

The state legalized marijuana for recreational use with voter passage of a ballot question in 2016. Gov. Charlie Baker signed the measure into law July 28, 2017.

Mellion said his reading of the law is that existing package stores cannot add marijuana products to their shelves. But the law doesn't prevent a package store license holder from obtaining a marijuana sales license from the Massachusetts Cannabis Control Commission, he said. *(READ MORE... for the full article contact MPSA.)*

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## **SURVEY: Consumers Buying More Wine Online**

Source: Wine & Spirits Daily

December 11, 2018

Price is still the top decision-making factor when it comes to wine, according to a recent consumer survey by Sonoma State University's Wine Business Institute.

For at-home drinking, respondents said they typically shell out between \$11 and \$15 a bottle, but 46% said they paid between \$50 and \$100 a bottle for a special occasion. At a restaurant, they typically spend about \$31-\$45 per bottle, while 31% of consumers surveyed said they only order by the glass.

Where are they buying their wine off-premise? More than half almost always purchase wine from a wine/liquor store, followed by grocery at nearly 40%.

More consumers are also consistently purchasing wine online, with 11% of respondents saying they purchase wine online often compared to 7% in 2016. And 27% reported that they have purchased wine online. *(READ MORE... for the full article contact MPSA office.)*

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## **New York: State turns down license application for giant 'Total Wine' warehouse store in Hartsdale**

Source: <https://www.lohud.com/> Richard Liebson - Dec. 11, 2018

**Score one for the little guys.** More than 35 owners of mostly small "mom and pop" wine and spirit stores in Westchester stood and cheered Tuesday after the State Liquor Authority denied a license request from national liquor giant Total Wine & More to open a warehouse store in Hartsdale.

The decision came after a three-hour special meeting in New York, with all three SLA commissioners voting against the license application. The board cited the number of wine purveyors already doing business in the area as a major reason for the denial.

"This would more than double the square feet of (stores selling wine) within two miles of the area," Chairman Vincent Bradley said. ***(READ MORE... for the full article contact MPSA office.)***

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## **Constellation Brands Chief Global Sales Officer to Deliver Keynote Address at ABL Annual Meeting**

Source: ABL  
DECEMBER 13, 2018



American Beverage Licensees (ABL), is pleased to announce that Kevin Cooke, Chief Global Sales Officer - Wine & Spirits Division at Constellation Brands, will deliver the keynote address at the upcoming ABL Annual Meeting in Las Vegas, Nevada on March 24-26, 2019. During his keynote address, Cooke will discuss Constellation's continued growth and the company's future plans for its expansive portfolio that now includes an interest in the burgeoning cannabis market.

Constellation Brands, a top-performing Fortune 500® and leading Total Beverage Alcohol company, produces beer, wine and spirits found in nearly every bar, restaurant, tavern and package store across the country. In addition to wine and spirits, Constellation Brands is the largest beer importer in the U.S. by sales and has expanded its portfolio earlier this year with its \$4 billion investment in Canopy Growth, an Ontario, Canada-based cannabis company. ***(READ MORE... for the full article contact MPSA office.)***

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## **NY: Why state regulators came down so hard in the Wegmans-liquor store case**

Source: <https://www.newyorkupstate.com/>

By Don Cazentre  
Dec 13

The New York State Liquor Authority recently fined Wegmans Food Markets and five of its affiliated liquor stores, including Liquor City in DeWitt and Amherst St. Wine & Liquor in Buffalo, for violations of state liquor laws.

The legal term in New York state alcohol beverage control law is "availing a license." The plain translation, more or less, is when someone who is not listed on a liquor license owns, manages or otherwise controls the licensed business. It's illegal under state law. ***(READ MORE... for the full article contact MPSA office.)***

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## **Massachusetts: State Panel - Penalize Drivers for Pot like Alcohol**

Source: <https://www.bostonglobe.com/>

By Naomi Martin  
DECEMBER 22, 2018

Drivers suspected of being high who refuse police demands to take a drug test should lose their license for six months, the same penalty as alleged drunk drivers who decline a breathalyzer, a state commission on impaired driving said Friday.

Motorists who show signs of drug impairment should face an automatic license suspension if they refuse a blood test, a saliva test, or a 12-step evaluation that includes a urine test, the commission decided.

"I don't think it's unreasonable to say to [an allegedly impaired] driver, 'If you want the privilege of driving in Massachusetts, you have to participate in a noninvasive test,' " said John Scheft, an attorney appointed by Attorney General Maura Healey **(*READ MORE... for the full article pleas contact the MPSA office.*)**

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**Join the Mass Brewers Guild, Beer Advocate, Craft'd Events, Fat Basset Design, Mass. Brew Bros. and Proportion Design in the celebration of Mass Beer Week.**



We need your support to encourage everyone in Massachusetts (restaurants, hotels, package stores, breweries, bars, tap rooms, etc.) to host craft beer events March 2 through 9, 2019.

Joining is easy! The only requirement is that your event must focus exclusively on beer brewed in the state of Massachusetts. **(*READ MORE... for the full article contact MPSA office.*)**

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### **Expect To See Canned Wine Almost Everywhere In 2019**

Source: <https://www.forbes.com/>

Jeanette Hurt

December 17, 2018

Expect to see more wines in cans in 2019, with cans showing up in more places than ever before.

Will canned wine eventually replace bottles?

WineSociety company co-founder and CEO Angela Allison thinks it's a definite possibility - so much that she founded a cans-only wine company. "I think it could definitely grow to be 30 percent of the category within five years," Allison says. **(*READ MORE... for the full article contact MPSA office.*)**

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### **Online liquor store Drizly just landed \$34.5 million in fresh funding**

Source: <https://techcrunch.com/>

Connie Loizos

December 11, 2018

Apparently, a lot of people realize at the last minute that they don't have either beer, wine or liquor in their home when they need it.

It's certainly the most obvious explanation for a sizable new round of funding into Drizly, a six-year-old, Boston-based on-demand delivery app for alcohol that works with roughly 1,000 brick-and-mortar liquor stores across the U.S. and Canada to deliver spirits to customers in what it says is less than an hour.

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**Thank You this Month's Advertiser**



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[www.mabusinessbrokers.com](http://www.mabusinessbrokers.com)

# REMiNDER



## 2019 DUES REMINDER AND UPDATED MAILING ADDRESS

Your 2019 Membership Invoices have been mailed. We remind you that when mailing in your payment, the MassPack office is now located in Westborough. Please update your records with the address below.

**MA PACKAGE STORES ASSOCIATION  
30 LYMAN ST., SUITE 2  
WESTBOROUGH, MA 01581**

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### IMPORTANT DATES TO REMEMBER

**February 27th - MassPack Membership Meeting** at The Doubletree, Westborough

*Look for an invitation in your email early next month with more information, including important topics of discussion.*

**March 24-26th - ABL Meeting**

*Retail Beverage Licensees Will Explore "The Challenge of Change" in Las Vegas on .*

[FOR MORE INFORMATION](#)

**May 8th - MassPack Annual Tasting & Buying Event** at Lombardo's, Randolph

*Special Guest(s) and Event Theme to be announced in the Spring.*

*Once again, we remind you if you are receiving this News & Trends by standard mail, you may be missing out on other timely information being sent by email. Please contact Robyn Seymour at 508-366-1100 so that we can update your email address on file.*



## **MASSACHUSETTS PACKAGE STORES ASSOCIATION**

**We acknowledge those suppliers who have shown their support  
for the package store industry in Massachusetts by becoming...**

### **2018 ASSOCIATE MEMBERS**

3 x 3 Insights	J Polep Distribution
Abacus Distributing LLC	Latitude Beverage Co.
Alberta Payments	Lemate of New England, Inc.
American Insulated Panel Co.	Martignetti Companies
Anheuser Busch, Inc.	MA Beverage Business Journal
Association Members Insurance	Merrimack Valley Distributing
Atlantic Beverage Distributors	Miller Coors
Atlas Distributing, Inc.	mPower Beverage Software
Bacardi USA	M.S. Walker, Inc.
BayState Business Brokers	Narragansett Brewing Co
Baystate Wine Co. Inc.	National Refrigeration Management.
Black Lab Alarm, Inc.	Payment Alliance International
Burke Distributing Corp.	PC Solutions
Carolina Wine & Spirits	POS Advisors LLC
Charles River Wine Co.	Protastings
CheckWriters Payroll	Quality Beverage Ltd.
Classic Wine Imports	Retail Control Systems
Colonial Wholesale Beverage	Ruby Wines Inc.
Commercial Distributing Co.	Seaboard Products Co.
Commonwealth Wine & Spirits	Squizzero, Carp & Associates
ConnectPay Payroll Services	Summit Ice Inc.
CoveRisk Services, LLC	The Business Exchange
Craft Brewers Guild	The Tap Brewing Co.
Distilled Spirits Council	TOMRA of North America
Drync	Treasury Wine Estates
ENVIPCO	Tri Wine Company
First Data	Truro Vineyards of Cape Cod
Forbes Snyder - dba Advanced Business solutions	Turn-Key Distrib. Systems
FraudFighter	United Liquors
George & Co. Business Brokers	WB Mason Co., Inc.
Harold Levinson Associates	Westborough Books Inc.
Horizon Beverage Co.	White Lion Brewing
HUB International NE	Williams Distributing Co.
Intellicheck ID	Winebow Boston
	Yiannis Distributing

Please support those businesses that support your association. For more information on any of the above businesses, visit the Associate Directory in the 'Members Only' section of the website.

**THANK YOU FOR YOUR SUPPORT!**