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What's new in the Grapevine this week?

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Interstate Wine Shipments

The Christmas Season was in full swing just a month ago and our UPS and FedEx drivers were on a dead run every time we saw them. In the 21st century, anyone and everyone with a smart phone or a tablet can order anything from anywhere with just a few thumb strokes. We ordered a smoked turkey and a few items from LL Bean at our house just because it was easier than mailing an order.

However, in the weeks prior to the Christmas rush, I received a flyer in the mail from Wine Country Gift Baskets. They claim to pack and ship wine baskets to all 50 states and Canada. My understanding of Montana law is that retailers are forbidden to ship wine so I called the Department of Revenue. I wanted to know how I could get a license to ship wine like Wine Country Gift Baskets. Further inquiry showed that the parent company of Wine Country Gift Baskets had applied for a winery license in 2014 but had never completed the application. They have no legal standing in Montana.

The person I asked went on to say that there is no such license and if I (as a Montana entity) ship wine past the rain shadow of my building I am subject to a fine and possibly a loss of my Montana retail wine license.

Here is where the plot thickens. Even though I have to pay for licenses from the City and State and get inspected by the local health and fire departments, there is no like burden on out of state retailers who do business in the State of Montana. They do not pay county property taxes or income taxes to the State of Montana. Taxes aren't the only impact the local retailers have on our community. The Wine Gallery made charitable contributions to 29 local non-profits in 2018. Out of state retailers gave nothing. My point is that the Wine Gallery supports the community, not just city, county and state governments. Out of state retailers do not pay for the privilege of doing business in Montana and openly flaunt their disdain for the Montana Department of Revenue. Out of state retailers know that the Department of Revenue does not have the manpower or the will to inspect every package shipped on UPS and

FedEx that comes into Montana. Further, there is no mechanism to stop or deter this practice.

As you can see, the playing field is not level. I would not complain if the Wine Gallery were allowed to compete on an intra- and interstate basis on equal footing with every other retailer. I would welcome the opportunity to match business skills and compete in a fair marketplace. However, to hold a club over my head while turning a blind eye to out of state businesses does not seem to sit square with our constitutional right to equal protection under the law.

This may all change in 2019. The Supreme Court will hear a case today that may decide whether states can prohibit retail wine shops from shipping to consumers in another state. A ruling might even affect access to small-production beers and spirits, although it's not clear whether it would extend beyond wine.

Every state has kooky wine laws and every state has laws about how wine gets distributed. For that reason, every state offers different selection of wines. For people who live in Bozeman, Missoula, or Spokane, internet retailing is an added bonus. For those in Plentywood, Ekalaka, or Gooberville, Arkansas who have fewer retail options, internet retailing could make living off the grid a lot more bearable.

This new case has historical implications. The passage of the 21st Amendment in 1933 gave the power to each state to regulate how alcohol was to be distributed. The resulting hodge-podge of laws and regulations from state to state has effectively discouraged companies like Amazon from becoming big on-line retailers. It is simply too complicated to obey every kooky law and every oddball regulation.

Back in 2005, the Supreme Court heard *Granholm vs Heald* and ruled that states which allowed in-state wineries to ship to consumers must allow out of state wineries to ship to that state's consumers as well. The National Association of Wine Retailers, an advocacy group, has filed a brief with the court in this week's case arguing that the right of wine producers to sell and ship bottles to out-of-state consumers, granted in the 2005 case, should be extended to retailers. They argue the *Granholm* ruling was vague about whether it applied to retailers as well.

While the *Granholm* decision did not specifically grant retailers the right to sell wines out of state, it did not prohibit it, either. The national retailers association is hoping that the court's decision will extend those rights explicitly to retailers.

In addition, producers in almost all states are required to sell to retailers by way of wholesale distributors. This three-tier system vests great power in wholesalers, who have opposed any efforts like *Granholm* or *Blair* to expand consumer access to wine.

In any case, this is a job for the Supreme Court. Where do we apply equal protection if Montana retailers are fined or barred from doing business on equal footing with out of state retailers? If it is decided that there is a Constitutional guarantee of free commerce, what becomes of the 21st amendment granting regulation to the states? Stay tuned! We will know in a few months.

Free tickets to “Camelot”

The Wine Gallery is a program sponsor for the Intermountain Opera and in exchange for our ad, we receive a \$100 voucher for tickets to current productions. Since

Jeanie and I are also season ticket holders, we traditionally put the voucher out for a free raffle.

First of all, the current production is Lerner and Loewe's "Camelot". We are all excited for this production because it will run for two weekends at the Ellen Theatre. The showings are February 8,9,10 and February 15, 16, and 17. The Sunday performances are 3 PM matinees.

Lerner and Loewe also wrote "Brigadoon", "Paint Your Wagon" and "My Fair Lady" so get ready for good tunes. As a kid, we had a recording of the original "Camelot" production that starred Richard Burton as King Arthur, Canadian heart throb Robert Goulet as Sir Lancelot and Julie Andrews as Guinevere. The record got a lot of air time at the Badenoch abode and I'm pretty sure I know the words to all the songs. Jeanie and I went to see it at our same Ellen movie theater in 1968. (Yikes!— that's 50 years ago!!)

Anyway, Camelot is a Broadway classic with lots of great music, a good plot and great characters. If you win the raffle, you will get a \$100 voucher for any available seats. Since the highest priced seats are \$50, you would have a nice pair for the evening. However, you can use the voucher to buy any other seats as well or use it as a supplement for multiple purchases.

The rules are pretty easy: Send an e-mail to me at bozemanwinegallery@gmail.com stating why you should receive the voucher. The most creative entry will be the winner. We will announce the winner in the January 30th edition of the Grapevine.

Madison Valley Ranch plans wine dinner

Christmas is over and the New Year has been rung in and we are already looking forward to Valentine's Day. After having experienced the beauty and hospitality of the Madison Valley Ranch over a November weekend, I was delighted to be presented a chance to offer another wine dinner at this gorgeous venue on February 9th. The Madison Valley Ranch sold out every seat for our last dinner and they would love to have another congenial group come by for a romantic evening just a few days before Valentine's Day.

The Madison Valley Ranch is located across the Madison River from Ennis in Jeffers, Montana. This beautiful setting won the **Lodge of the Year** from Orvis in 2015 and I can see why. There is a pond and a creek where you can practice your fly casting and it is a short walk through the Channels to the Madison if you prefer to river fish. At dusk we watched ring neck pheasants, sand hill cranes and osprey fly by serenaded by meadowlarks. In the adjacent field a moose family made daily appearances last summer and we were lucky enough to see a herd of deer foraging as we ate.

Our dinner will be prepared by Chef Matt Pease who stoked his creative energies to bring out dishes made with a variety of locally sourced victuals including smoked trout, Wagyu beef, local duck as well as beets, parsnips and cheeses. I came up with some delicious wines to pair and I would say, in all false modesty, it will be one of the best dining experiences in Madison County.

Jeanie and I as well as some other folks from Bozeman employed a strategy of staying at the lodge overnight instead travelling back in the dark. Believe me, the accommodations are first rate. The good news is the Madison Valley Ranch has a special deal for those who stay over (just mention the Wine Gallery dinner). It really can't be beat for a fun night away from the city. As a bonus, in the morning, we were served a delicious breakfast with some of the best coffee I've had in years.

If you just want a ticket for dinner, it is \$89 including everything. Call us for the wine dinner only option at 586-8828 and we will get you a seat. If you wish to book the dinner **and** lodging package, I would suggest a call to the Madison Valley ranch directly at 800-891-6158. Call soon, the last event sold out quickly.

Wines to match with vegetarian fare

There are a lot of people who have a New Year's resolution to restrict their diets by not eating meat. (I think the rule is that if it had a mother, it is off the menu). To some, it may mean just no red meat, to others it may mean eggs, milk or seafood is OK. For strict vegans, it may mean no animal products at all will make it to the dinner table. In any case, this choice is generally considered healthy although it may pose a few problems with food/wine pairing.

Strict vegans may want to stick with unfiltered and unfinned wines. The agents used to clarify wines often contain beef gelatin or egg whites. Even though there are no residual traces of these products in the wine, the ethic of no animal products may be compromised for those who hold strict views.

Good red wines to match with hearty lentil or bean based dishes are Cabernet Franc and Barbera. Both have a floral nose, full fruit flavor and the acid to stand up to salty or savory flavors.

White wine recommendations for salad courses start with herbal and citrus flavors found in Sauvignon Blanc. Other light, tart wines like Austrian Grüner Veltliner or Alsatian Pinot Blanc are good matches with dishes made with zucchini, spinach, chard or bok choy. For salty or potato dishes, fruitier wines like Riesling or a semi-dry Gewürztraminer are a good match. For Asian dishes with hot and sour sauce these are also good picks.

As always, don't overlook sparklers like Prosecco. These wines match with almost any food you can put on the table and add a festive touch to any gathering.

For those of you who don't know, I am a vegan although not a strict one. I allow myself to eat poultry, fish, meat, dairy and eggs.