



STATE OF DELAWARE
DEPARTMENT OF PUBLIC SAFETY
OFFICE OF ALCOHOLIC BEVERAGE CONTROL COMMISSIONER
CARVEL STATE OFFICE BUILDING
820 NORTH FRENCH STREET
WILMINGTON, DELAWARE 19801

TELEPHONE: (302) 575-ABC (222)
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Re: Purchase of Wine from Wineries

Dear Delaware Resident:

I have been advised that you have made inquiries regarding the ability to purchase wine from places outside of the State to consume in this State. I am the Commissioner of Alcohol for the State and wish to advise you of numerous options that are currently available to you to obtain wine not currently available in your local package store. At the same time, I want to make sure that you are aware that you cannot currently legally purchase wine (or any other alcoholic beverage) over the internet and have that wine shipped directly to your residence.

The first and easiest means to obtain a particular brand of wine that you desire to purchase is to go to a local package store (preferably one that has a larger selection of wines) and suggest to the manager that you would like to obtain a quantity of that wine if they were able to obtain it for sale in that store. Obviously there are literally thousands of different types of wines that are made throughout the United States and the World. It would be nearly impossible for any package store to stock all of these wines, and even more economically impossible. Sometimes the wine is already available from the wholesalers, but the package store does not stock that item. If not, your description of the wine, your familiarity with it, and the likelihood that you and others would be likely to purchase the wine will create an incentive for the manager to talk to our wholesale tier to see if the wine can be acquired.

If the wine can not be acquired from the package store, it is permissible for a winery whose wine is not available in this State to obtain a "Direct Shipper License" provided for in Title 4 of the Delaware Code, §526. Contact the winery and ask if they are willing to apply for such a license and advise them to contact my Office to do so. Once licensed as a Direct Shipper, the winery would be permitted to take an order from you for wine (or beer) and ship that wine by common carrier to a Delaware Wholesaler who will thereafter ship it to a local package store for your pick up at that store. There is a "handling fee" of four dollars that the direct shipper must pay to be divided between the wholesaler and the retailer for their services. Although this law has been in place since June 2000, there has been only one application for such a license, which was withdrawn before it could be considered.

The final legal means to obtain wine currently is to visit the winery, purchase the wine, and either drive it to your home or ship it to yourself by a parcel service (UPS, Fed-Ex, USPS, etc). Any wine that you bring or ship into the State is subject to an excise tax of ninety-seven (\$0.97) cents per gallon. Contact should be made with William Kirby of the Division of Revenue by e-mail at william.kirby@state.de.us to arrange for payment of the tax. The right to bring alcohol into the State is for personal consumption only; it is not to be brought in for resale. A last point, it is not permissible to "reorder" from the winery and have it delivered.

I hope that this has answered your questions regarding how to obtain wine in our State. If there are further issues that need resolving, please do not hesitate to contact this Office.

Sincerely,



John H. Cordrey,
Delaware Commissioner of Alcohol