



Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358

Jean M. Lorizio, Esq.
Chairman

DECISION

NORFOLK WINE & SPIRITS INC.
206 DEDHAM STREET
NORFOLK, MA 02056
LICENSE#: 00012-PK-0818
VIOLATION DATE: Various dates in 2020
HEARD: 11/02/2021

Norfolk Wine & Spirits Inc. (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a remote hearing via Microsoft Teams on Tuesday, November 2, 2021, regarding alleged violations of:

- 1) M.G.L. Ch. 138, § 15 Sales by such licensees shall be made only in the original Manufacturer's or Wholesaler's and Importer's package;
- 2) M.G.L. Ch. 138, § 2 Unlawful Sale, to wit: 204 CMR 2.06 (3) One label on every bottle, jug, or other container of alcoholic beverages manufactured, blended, rectified or compounded by any Manufacturer or Wholesaler and Importer, shall state the quantity of such alcoholic beverages in the manner prescribed by the Federal Government, as far as applicable;
- 3) M.G.L. Ch. 138, § 2 Unlawful Sale, to wit: 204 CMR 2.06 (4) One label on every bottle, jug, or other container of alcoholic beverages manufactured, blended, rectified or compounded by any Manufacturer or Wholesaler and Importer, shall state the exact ingredients of the alcoholic beverages so blended, rectified or compounded in the manner prescribed by the Federal Government;
- 4) M.G.L. Ch. 138, § 2 No person shall manufacture, with intent to sell, sell or expose or keep for sale, store, transport, import or export alcoholic beverages or alcohol, except as authorized by this chapter, to wit: M.G.L. Ch. 138, § 18 Subject to such regulations as may be prescribed by the Commission, licensees under this section may bottle, and may compound, rectify or blend any alcoholic beverages purchased by them in bulk, but such bottling, including the sealing and labeling of the bottles, and such compounding, rectifying and blending, shall be done only upon such premises and under such conditions as the Commission shall approve;
- 5) 204 CMR 2.04 (1) No holder of a license issued under M.G.L. Ch. 138, § 15 shall sell or offer to sell any alcoholic beverages at a price less than invoiced cost.

Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Gardner's Report.

The following documents are in evidence:

1. Investigator Gardner's Report;
2. ABCC Form 43 License Transfer Approval, 1/31/2013;
3. Photographs of Interior of Licensed Premises;
4. Licensee's Facebook Posts;
5. Licensee's Virtual Tasting Advertisement;
6. Licensee Stipulation of Facts.

There is one (1) audio recording of this hearing.

FINDINGS OF FACT

1. On Wednesday, August 26, 2020, at approximately 6:15 p.m., Investigators Keefe, Quinn, and Gardner ("Investigator") conducted an investigation of the business operation of Norfolk Wine & Spirits Inc. to determine the manner in which its business was being conducted, and to investigate a complaint filed with this Commission.
2. Investigators entered the licensed premises and spoke to the owner, Maninder Singh. Investigators advised Mr. Singh of the complaint regarding sale or delivery of alcohol beverages which had been tampered with or rebottled.
3. Mr. Singh escorted Investigators to a storage room where they observed multiple miniature bottles of alcoholic beverages which had markings of either a handwritten number or a self-printed label. These labels were not consistent with the standard bottling of distilled spirits and not labeled as required by ABCC and TTB¹ regulations.
4. Investigators observed small paper bags which contained several of the miniature bottles of alcohol. Investigators noted one of the bags had a name written on it and the miniature bottles inside the bag were labeled with numbers 1 through 6. The bottles did not have any labels identifying the contents of the bottles or stating that they contained distilled spirits.
5. Investigators observed several larger open bottles of alcohol beverages at varying levels of fullness. Mr. Singh stated that he used a funnel to transfer the contents from the larger originally packaged bottles of alcohol to the miniature bottles observed at the premises.
6. Mr. Singh explained that the miniature bottles were filled to be sold in the "Virtual Tasting Kits" which Norfolk Wine & Spirits advertises on its Facebook page on the internet, as well as being on display and for sale in the licensed premises. Mr. Singh stated he provides the "Virtual Tasting Kits" free of charge to customers who purchase certain brands of alcohol.

¹ TTB is a common acronym for the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury, a Federal governmental agency which regulates alcohol production for the United States.

7. Investigators observed “Virtual Tasting Kits” exposed for sale on the licensed premises. The Tasting Kit included three bottles of a certain brand of alcohol, glassware, and a sample miniature bottle of a different “vintage” of the same brand. A printed sheet listed what was offered in the Tasting Kit with the price.
8. Investigators observed another Tasting Kit which included one bottle of a certain brand of alcohol, glassware, and 12 miniature bottles. The 12 miniature bottles had labels with different brand names printed on them.
9. The labels on the miniature bottles of alcohol did not state the exact quantity or the exact ingredients of the alcohol in the bottles.
10. Investigators informed Mr. Singh of the violation and that a report would be filed with the Chief Investigator for further review.
11. After speaking with Investigators on the night of their visit, Mr. Singh immediately ceased the practice.
12. Investigator Gardner testified at the Commission hearing and stated Mr. Singh was extremely cooperative. He added that Mr. Singh was forthcoming and provided Investigators with any information they requested.
13. Mr. Singh appeared at the Commission hearing and explained he operates a small store in a small town and most of his offerings are boutique products and/or of limited quantity. He stated offering seminars and hosting educational events is one of the main components of his business. Virtual tasting kits seemed to be a way to continue the program during the pandemic. He stated with some products not available in miniature size he thought he could proceed with filling smaller bottles himself. Mr. Singh acknowledged he should have asked questions before doing so and assured the Commission he had no intention of circumventing the law.
14. The Licensee has held a license under M.G.L. c. 138, § 15 since 2013.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated:

- 1) M.G.L. Ch. 138, § 15 Sales by such licensees shall be made only in the original Manufacturer’s or Wholesaler’s and Importer’s package;
- 2) M.G.L. Ch. 138, § 2 Unlawful Sale, to wit: 204 CMR 2.06 (3) One label on every bottle, jug, or other container of alcoholic beverages manufactured, blended, rectified or compounded by any Manufacturer or Wholesaler and Importer, shall state the quantity of such alcoholic beverages in the manner prescribed by the Federal Government, as far as applicable;
- 3) M.G.L. Ch. 138, § 2 Unlawful Sale, to wit: 204 CMR 2.06 (4) One label on every bottle, jug, or other container of alcoholic beverages manufactured, blended, rectified or compounded by any Manufacturer or Wholesaler and Importer, shall state the exact ingredients of the alcoholic beverages so blended, rectified or compounded in the manner prescribed by the Federal Government;

- 4) M.G.L. Ch. 138, § 2 No person shall manufacture, with intent to sell, sell or expose or keep for sale, store, transport, import or export alcoholic beverages or alcohol, except as authorized by this chapter, to wit: M.G.L. Ch. 138, § 18 Subject to such regulations as may be prescribed by the Commission, licensees under this section may bottle, and may compound, rectify or blend any alcoholic beverages purchased by them in bulk, but such bottling, including the sealing and labeling of the bottles, and such compounding, rectifying and blending, shall be done only upon such premises and under such conditions as the Commission shall approve;
- 5) 204 CMR 2.04 (1) No holder of a license issued under M.G.L. Ch. 138, § 15 shall sell or offer to sell any alcoholic beverages at a price less than invoiced cost.

Therefore, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Crystal Matthews, Commissioner *Crystal Matthews*

Jean M. Lorizio, Chairman *Jean M. Lorizio*

Deborah Baglio, Commissioner *Deborah A. Baglio*

Dated: March 1, 2022

You have the right to appeal this decision to the Superior Courts under the provisions of Chapter 30A of the Massachusetts General Laws within thirty (30) days of receipt of this decision.

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Robert Gardner, Investigator
Dennis Keefe, Investigator
Katelyn Quinn, Investigator
Administration, File