



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

Jean M. Lorizio, Esq.
Chairman

DECISION

**LITRE AND WEDGE WINE AND CHEESE SHOP INC. D/B/A POINT LIQUORS
230 WASHINGTON STREET
QUINCY, MA 02169
LICENSE # 00123-PK-1006
VIOLATION DATES: 8/5/2020 TO 8/13/2020
HEARD: 11/9/2021**

Litre and Wedge Wine and Cheese Shop Inc. d/b/a Pointe Liquors ("Licensee" or "Pointe Liquors") 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 9, 2021, regarding an alleged violation of M.G.L. Ch. 138, § 23 Transfer of the privilege of a license without proper approval. Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Bolcome's Report.

The following documents are in evidence:

1. Investigator Bolcome's Investigative Report;
2. ABCC Form 43, License Transfer Approval, 5/24/2001;
3. Highclere Castle Spirits LLC, 2020 Certificate of Compliance;
4. Highclere Castle website (8 pages);
5. Highclere Castle Gin Transaction (9 pages);
6. Highclere Castle Confirmation Email;
7. Investigative Credit Card Statement;
8. New York Department of State Entity Information of Thirstie, Inc.;
9. Thirstie website (9 pages);
10. Photographs Concerning Delivery of Highclere Castle Gin (4 pages);
11. Contract between Litre and Wedge Wine and Cheese Shop, Inc., d/b/a Point Liquors and Thirstie, Inc. (14 pages);
12. Licensee Stipulation of Facts Only.

A. Thirstie's web page.

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

FINDINGS OF FACT

1. Litre and Wedge Wine and Cheese Shop Inc. d/b/a Pointe Liquors ("Licensee" or "Pointe Liquors") holds a M.G.L. c. 138, § 15 retail package store license exercised at 230 Washington Street, Quincy, Massachusetts.
2. Highclere Castle Gin appears to be associated with Highclere Enterprises LLC, doing business as Highclere Castle, located at Highclere Park, Newbury, RG20 9RN, United Kingdom. The website, highclerecastle.co.uk has information related to the castle and to Highclere Castle products available for purchase, including Highclere Castle Gin. Those in the United States who wish to purchase Highclere Castle Gin are directed to a different website, highclerecastlespirits.com.
3. Highclere Castle Spirits, LLC (Highclere) is licensed pursuant to Massachusetts General Laws, Chapter 138 § 18B, with a shipping address of 3 Distribution Avenue, Kearney, NJ 07021.
4. On Wednesday, August 5, 2020, Investigator Bolcome visited the website highclerecastlespirits.com. He selected one 750-ml bottle of Highclere Castle Gin and was prompted to enter shipping and billing information to complete the purchase. The Investigator entered his home address and credit card payment information and placed his order.
5. Investigator Bolcome was then directed to an order confirmation page on the Highclere Castle Gin website. The confirmation page provided an order number: 2FPTWRR-FFG-NP and stated, "Fulfillment by: Point Liquors." Investigator Bolcome also received an order confirmation email from orders@highclerecastlespirits.thirstie.com. The confirmation email stated, "Our trusted merchant, Point Liquors, has received your order and is packing it up as we speak."
6. The credit card statement for the card Investigator Bolcome used to purchase the Highclere Castle Gin indicated payment was received by BT Thirstie, Inc. NY 10019 (888) 706-6689.
7. On August 13, 2020, a package containing a 750 ml. bottle of Highclere Castle Gin was delivered by Federal Express to Investigator Bolcome's home. The mailing label indicated it was shipped from 230 Washington Street, Quincy, MA. Printed across the top of the packing slip enclosed was Point Liquors Beer and Wine, 230 Washington Street, Quincy, MA. The information on the packing slip corresponded with the information on the Highclere Castle Gin website confirmation page.
8. Upon opening the package, Investigator Bolcome observed a broken glass bottle of Highclere Castle Gin. The bottle label indicated it was 43.5% alcohol by volume and a 750 ml bottle of Highclere Castle Gin. One of the pieces of the bottle contained the following statement: "HIGHCLERECASTLEGIN.com Distilled & Bottled in England."
9. On Friday, October 2, 2020, Investigator Bolcome visited Litre and Wedge Wine and Cheese Shop Inc. d/b/a Point Liquors ("Point Liquors") to inquire about its relationship with Highclere Castle Gin and Thirstie.

10. Investigator Bolcome entered the licensed premises, and spoke with Judy Deschenes, the Licensee and Manager of Point Liquors. He asked Ms. Deschenes how an internet order for Highclere Caste Gin was received and delivered by the Licensee. She explained to Investigator Bolcome that through the Point Liquor's arrangement with Thirstie, the order was sent to the Licensee to be fulfilled.
11. On Thursday, October 15, 2020, Ms. Deschenes supplied Investigator Bolcome with a copy of Point Liquors' contract with Thirstie.
12. The contract revealed Thirstie processes sales from customers who visit an alcoholic brand's website and sends order information to one of their "network of retailers." Because Thirstie "partner[s] exclusively with retailers that have their own local delivery mechanism..." the retailer effectively acts as a fulfillment entity on behalf of Thirstie and the alcoholic beverage brands.
13. The contract indicates that Thirstie collects a portion of the payment from each sale fulfilled by Point Liquors. A chart included with the contract showed the fees collected from each payment depending on the sale amount. For example, any sale between \$20 and \$29.99, Thirstie collects a \$1.60 fee for "On-Demand Orders" and collects a \$1.80 fee for "Mail Orders." As the sale amount increases, so does the fee collected by Thirstie.
14. The New York Department of State lists Thirstie, Inc. as an active Foreign Corporation with a principal place of business at 25 West 39th Street, 14th floor, New York, NY. Thirstie's Chief Executive Officer is Devaraj Southworth. Thirstie is also incorporated in Delaware.
15. Investigator Bolcome visited Thirstie Inc.'s website and found the following information:
 - "Thirstie unlocks branded e-commerce capabilities for beverage alcohol brands. Enabling direct-to-consumer sales and significant new revenue opportunities via innovative consumer analytics.
 - We currently partner exclusively with retailers that have their own local delivery mechanism or can ship products in states permitted by law.
 - Thirstie API integrated powerful e-commerce technology with your existing website to create a robust and seamless direct-to-consumer branded online shopping experience.
 - Beverage alcohol brands have never been able to sell their own products directly to consumers. Thirstie is a white label e-commerce solution that gives brands the ability to allow customers to purchase on the brand's website and leverage Thirstie's liquor retailer network."
16. Investigator Bolcome informed Ms. Deschenes of the violation and that a report would be submitted to the Chief Investigator for review.
17. Ms. Deschenes appeared at the Commission hearing and testified she was approached by Thirstie and believed the arrangement with Thirstie was lawful. She stated she opened an account with an ecommerce company to receive payment for products sold through

Thirstie. Ms. Deschenes testified she did not realize payments were going to Thirstie but mistakenly believed the payments were going directly to her ecommerce account.

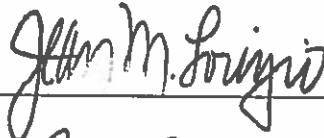
18. The Licensee has held a license under M.G.L. c. 138, § 15 since May 24, 2001, with no prior violations.

CONCLUSION

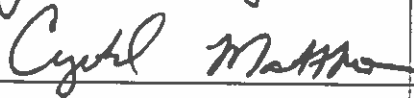
Based on the evidence, the Commission finds the Licensee violated M.G.L. Ch. 138, § 23 Transfer of the privilege of a license without proper approval. As a result, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Deborah A. Baglio, Commissioner



Dated: July 29, 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
David Bolcome, Investigator
Louis Cassis, Esq.
Administration, File