



NEW YORK STATE SENATOR

Joseph A. Griffo

## Griffo's bill would allow wine ice cream to be sold in smaller containers

JOSEPH A. GRIFFO February 16, 2017

| ISSUE: **SMALL BUSINESS**



ALBANY – State Senator Joseph Griffo has introduced legislation that would allow wine-infused ice cream to be sold in containers smaller than a pint, continuing the senator's efforts to help support small businesses.

Locally, Mercer's Dairy in Boonville invented this popular treat, and it was Senator Griffo's efforts 10 years ago that ultimately made it legal in 2008 for wine ice cream to be sold in New

York State. But as wine ice cream continues to gain in popularity – statewide, nationally and across the globe – the pint-size containers are proving not to be the most practical for people to consume wine ice cream at many of the venues where it’s sold.

By sponsoring this new legislation – [Senate bill S4265](#) – Senator Griffo hopes to accommodate the demand for smaller packaging sizes so wine ice cream can be more easily consumed on occasions such as weddings, fundraisers, recreational tours , cruise ships and other events like Taste NY that highlight local products. At such events, people are not typically looking to eat wine ice cream

This bill would amend the state Agriculture and Markets Law that requires frozen dessert to be sold in packaging that contains at least a pint. Wine ice cream cannot have an Alcohol By Volume (ABV) ratio higher than 5 percent, and it cannot be sold to anyone under 21.

**Senator Joseph Griffo, R-Rome, said:** “The growth and stability of small businesses are key to economic prosperity in New York State, and I believe one of the most important tasks we can do as representatives in Albany is to help create the kind of environment where these businesses can thrive and expand. If there is a substantial demand for a product or service offered by businesses in our state, our laws should not stand in the way of this opportunity to fuel our local economies. The wine ice cream of Mercer’s Dairy in my district is known all across the world, and I am proud to lead this effort to help small businesses like Mercer’s better meet the demands of the public.”

The bill is being sponsored in the Assembly by Assemblyman William Magee, chair of the Assembly Committee on Agriculture.

**Assemblyman William Magee, D-Nelson, said:** “This legislation to allow for the smaller individual packaging of this popular product will create the opportunity for Mercer’s to fill a

consumer demand that serves a niche market for special occasions so that their delicious specialty wine ice creams can be easily served, sampled and enjoyed by more people, and I am pleased to sponsor this bill in the Assembly.”

**Roxaina Hurlburt, director of marketing for Mercer’s Dairy and one of its original owners, said:**

“Every event or venue we’ve had access to has been asking for smaller Dixie cups for people to eat wine ice cream out of, since many people don’t come to these venues looking to carry around pints of ice cream. But out of the 22 states we sell in, New York is the only state that has size restrictions on wine ice cream. Senator Griffo has always been supportive of new businesses and their owners, and I want to thank the Senator for his ongoing efforts to make it easier for businesses to achieve success in our state.”

###

---

#### RELATED LEGISLATION

---

### 2017-S4265

---

- Introduced
- - In Committee Assembly
  - In Committee Senate

- ○ On Floor Calendar Assembly
  - On Floor Calendar Senate

- ○ Passed Assembly
  - Passed Senate

- Delivered to Governor

- Signed By Governor

- 

Relates to the sale of ice cream or other frozen desserts made with wine

February 07, 2017

Signed by Governor

Sponsored by **Joseph A. Griffo**

Do you support this bill?