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| *www.IowaABD.com* | *Lynn M. Walding, Administrator* |

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| *September 24, 2004* | |

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SPECIAL TO THE REGISTER

No little umbrellas: A couple demonstrates how to use AWOL at promoter Sprint Partners’ announcement of its marketing arrangement, made last month in New York. Inhaling a shot of alcohol takes about 20 minutes.

**1. 'Hey, Can I Buy You a Mist?'**

By Lynn Campbell – *Des Moines Register*

September 20, 2004

**A Clive bar plans to test a gizmo that mixes oxygen with alcohol, producing a vapor that can be inhaled - and reportedly won't cause a hangover**

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DES MOINES, IA -- A Clive bar is looking at becoming the first in Iowa to offer a new way of inhaling alcohol in a mist form using a hand-held vaporizer.

J. Michael McKoy, owner of Miss Kitty's Dance Hall & Cyber Saloon in Clive, said he's talking to Clive officials about the legality of the product and plans to test-market it at Miss Kitty's "in the near future."

"I think there's a demand for all different ways to allow people to have fun but not suffer the consequences either physically, emotionally or legally of consuming too much alcohol," McKoy said.

But five people having a drink Friday afternoon at Centro in downtown Des Moines said the concept doesn't appeal to them, and they don't plan to try it.

"Half the fun of drinking is sitting down and drinking," said Chris Dillon, 24, of Manhattan, Kan., a student at Kansas State University, who was having a beer.

"You get a mixed drink because you like the taste of it," said Chris Duerr, 35, of Leon.

Alcohol Without Liquid, or AWOL, was introduced in the United Kingdom in February and in the United States this summer. It's being touted by its promoter, Spirit Partners Inc. of North Carolina, as a low-calorie, low-carbohydrate way to consume alcohol without a getting a hangover.

The machine, which mixes oxygen with alcohol to produce a mist that is inhaled through the mouth, is being sold to bars at a cost between $3,000 and $3,600. A consumer pays about $10, plus the cost of a shot of alcohol, for a 20-minute session.

The product is so new that there hasn't been time for much resistance to develop in Iowa. Many law enforcement officials, health officials and bar owners said they haven't heard about it or don't quite know what to think of it yet.

"It's the most bizarre thing I've ever heard," said Darin Beck, president of Barmuda Corp., which has two nightclubs, two restaurants, a pizza store with a bar, a lounge and a sports bar in the Waterloo-Cedar Falls area.

Lynn Walding, administrator of the Iowa Alcoholic Beverages Division, said he doesn't know anyone else in Iowa offering AWOL. He said the product is legal here, but he's worried about its impact on a user's blood-alcohol level.

"When you drink liquid alcohol, it takes a lot to get in your bloodstream. Intoxication can creep up on you," Walding said. The AWOL device, he said, "can create a quicker buildup of alcohol content to the brain."

However, promoters of the product say it takes 20 minutes to inhale one vaporizer shot of alcohol such as vodka or whiskey. "It is not something people are going to get very drunk on," the AWOL Web site states.

It doesn't appear that Clive officials will initially resist McKoy if he does try Alcohol Without Liquid at his bar.

"It's one of those things that we'll have to wait and see how popular it becomes and the impact it would have on people," said Clive Police Chief Robert Cox, who said he didn't think it would violate any city ordinances.

Clive City Manager Dennis Henderson said the city would treat the mist the same way it treats the liquid. "We would still deal with the consumption of alcohol in the same manner, just as we do with any other, whether they're swallowing or breathing," he said.

Advocates against drunken driving fear the new alcoholic mist will attract underage drinkers and cut the time it takes to get intoxicated. They said having alcohol bypass the stomach and go straight into the bloodstream creates a "hit" up to 10 times more potent than can be experienced by drinking the same amount of alcohol.

"We're always concerned with the resourcefulness of alcohol marketing to an ever-younger crowd," said Bill Shackelford, spokesman for the Polk County chapter of Mothers Against Drunk Driving. "I don't know why you'd want to permeate your brain with that much alcohol that fast."

Promoters of the alcoholic mist said there's no evidence it presents any greater risks than the liquid. But opponents said it has the potential to impair driving while still allowing those who use it to pass a Breathalyzer test.

"You wouldn't have some of your visible signs of intoxication," said Janet Zwick, director of the Iowa Division of Behavioral Health and Professional Licensure. "It might be easier, or you could be more likely, to overdose on it."

Penny Bassman, director of Powell Chemical Dependency Center, said the center hasn't seen cases of anyone affected by the new alcoholic vapor. Neither has the Iowa Clinic, a doctors' practice that serves 20 communities.

Bassman wonders why anyone would even want to use the new alcoholic mist. "How can you pick up a girl in a bar when you've got that thing hanging off your face for 20 minutes?" she asked. "That isn't even attractive."

AWOL was a flop in New York, where some officials are trying to ban the device. One bar owner in New Jersey returned it because he said it didn't even give customers a buzz and takes 20 minutes to inhale a quarter of a shot.

Rep. Clel Baudler, a Greenfield Republican and retired state trooper who last year spearheaded legislation to lower Iowa's blood-alcohol limit from .10 to .08, said he doesn't know whether legislation is needed in Iowa at this point.

"It sounds like it's a fad that's going to go away really, really quickly," Baudler said. "I just can't imagine why anyone would want to do it. That sounds as much fun as going out and beating your head against the sidewalk."

But McKoy said AWOL allows people to avoid some of the uncomfortable effects of consuming alcohol, such as hangovers. He compared it to the introduction of low-carb beers. "Nobody argued when they put out light beer, and they shouldn't argue with this type of machine," he said.

Walding said the product has no regulatory oversight. He encouraged consumers to be cautious. "It may not be a waste of their breath, but may be a waste of their money until there's more information on how these machines work," he said.



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2. Diageo Supports Ban on 'Alcohol Without Liquid' (AWOL) Machines

Source: *Diageo*

September 17, 2004

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Backs New York State Legislation Eliminating Alcohol Vapor Machines

STAMFORD, Conn., Sept. 17 /PRNewswire-FirstCall/ -- Diageo, the world's leading beer, wine and spirits company, and an industry leader in promoting responsible drinking, announced today that it supports proposed New York State legislation banning AWOL ("Alcohol Without Liquid") machines until further research is undertaken to understand the risks to consumers."

Guy Smith, Diageo North America's Executive Vice President, External Affairs, said, "AWOL machines should be banned in New York and the rest of the country because of concerns that they could encourage alcohol abuse and drunk driving. We applaud the efforts of Senators Nicholas Spano and Patricia McGee, Assemblymen Robin Schimminger and Richard Brodsky, as well as Westchester County Executive Andrew Spano and Suffolk County Legislator Jon Cooper in their efforts to prohibit the use and sale of AWOL machines in New York State and raise awareness about the potential dangers of these machines."

AWOL machines, currently legal under New York and most other state laws, enable consumers to inhale alcohol vapors. Health officials warn about the dangers of using these machines. According to Dr. Marc Siegel, Associate Professor at New York University Medical School, "prolonged AWOL use could damage the nose and, worse, bathe the brain and other organs in higher levels of alcohol." Siegel is also concerned that when people inhale alcohol it may be much harder for them to know when they are too drunk to drive: "Breathalyzer tests may be falsely low because of the lag between intoxication and alcohol entering the blood stream."

Although all alcohol products sold in America must be federally approved by the Alcohol and Tobacco Tax and Trade Bureau (TTB), AWOL machines have yet to receive such approval. Said Smith: "We operate in the most highly regulated industry and all of our products -- and those of our competitors -- have been carefully scrutinized by the TTB. These AWOL machines have yet to face this same oversight."

Diageo also took action against the distributors of the AWOL machine for their unauthorized use of the SMIRNOFF® trademark on their website. In response to a cease and desist notice from Diageo, the SMIRNOFF trademark was removed from the site.



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| **3. More Wine Acquisitions in the Offering**  Source: *just-drinks.com*  September 16, 2004  ***After substantial consolidation over the past two years, the current spate of merger and acquisition activity in the global wine market is by no means over. Natasha Cazin of industry analysts, Euromonitor International, identifies key takeover targets and their possible purchasers.*** | |
| http://www.wine.co.za/GlobalModules/Images/spacer.gif | |
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| Over the last few years, the international wine market has witnessed increased activity as more players look to become global wine producers and capitalize on the growing demand for wine in developed and emerging markets. New World players have been at the forefront of acquisitions in both New and Old World countries, in a bid to increase production acreage, build brand portfolios and keep up with rising demand.  Flying high above the other deals taking place during 2003-2004 was Constellation Brands' acquisition of Australian wine producer BRL Hardy. Indeed, the BRL Hardy deal significantly increased Constellation Brands' competitive edge over the period, creating the largest wine company in the world by value.  Other thirst-quenching deals to occur included the acquisitions by E&J Gallo, the world's number one wine producer by volume, of the Louis M Martini Winery and the Mirrassou brand, and the takeover of California's Golden State Vinters' by US concern, The Wine Group.  Meanwhile, Britain's largest independent wine importer, marketer and distributor, Western Wines, is the most recent prize for North America's largest producer of wine and related products, Vincor International. With this acquisition, Vincor gains an impressive portfolio of premium brands including Kumala, the largest South African export brand.  Despite this new wave of merger and acquisition activity, consolidation in the wine industry is by no means over. Given the fragmented nature of the global market - compared to world market shares of nearly 27% for the five largest breweries, the top five wine producers account for approximately 8% - new research from Euromonitor International suggests there is still a great deal of room for further takeovers and investment.  Australia is likely to be the scene of significant further consolidation over the 2004-2005 forecast period, following the extensive phase of price promotion activity that has taken place in recent years, squeezing margins as never before. Australian wine producer, Southcorp, where much of the responsibility lies, has regularly been cited as a potential target. However, the company's recovery to profit for the full year of 2003 and its anticipation of growth in the current financial 12 months makes is far less of an attractive takeover proposition.  Nevertheless, with just two Australian wines in its portfolio at present, Euromonitor International considers US winery E&J Gallo Winery as a possible buyer for Southcorp's core premium brands Penfolds, Lindemans or Rosemount during 2004-2005. With the company's successful expansion to upscale, higher margin premium wines in recent years, it is likely that E&J Gallo will attempt to gain increased exposure in this market segment to further distance itself from its traditional low tier reputation.  North America is another region that is likely to throw up opportunities for acquisitions, according to Euromonitor International. Kendall-Jackson's insignificant presence in the export market puts it at a disadvantage compared to other premium wine producers, which are currently putting enormous effort into creating global brands. This leaves the company vulnerable both in terms of losing potential sales and as a possible takeover target. The most likely source of this is from a major, global alcoholic drinks company looking to extend its portfolio of premium New World wines. With the acquisition of BRL Hardy in 2003, Constellation Brands is garnering a broad wine portfolio, and it is possible that, despite pulling out of a possible acquisition with BRL Hardy in 2001, Kendall-Jackson will become the target of a hostile takeover bid.  Another potential US target is Brown-Forman, which recently announced a restructuring of its wine business, leading to 47 redundancies and the closure of the Jekel Vineyards wine-making facilities. With a strengthening spirits portfolio, the company may well be considering the future of its wine brands, should they continue to offset the progress made by the spirits side of the business.  Were Brown-Forman to decide to sell some of its wine brands, a possible purchaser is not immediately obvious. With the state of the Californian wine industry as it is, suffering from the tail end of a grape glut and a wealth of new entrants, only the most desirable global brands are likely to prove attractive to a buyer, and this is something lacking from Brown-Forman's wine brand portfolio. The ongoing collaboration between Brown-Forman and Bacardi, including their distribution agreement in the UK, suggests that further collaboration may be forthcoming. Although it is unlikely that Brown-Forman would allow itself to be taken over, a close strategic alliance between the two companies over the next few years should not be ruled out.  Bacardi has itself also been at the centre of a number of merger, takeover and alliance rumours in recent years. These have been fuelled by the increasing level of consolidation in the global drinks industry, with the flagship Bacardi rum brand being of particular interest to a number of competitors. Both Allied Domecq and Brown-Forman have been linked to Bacardi with regard to possible merger activity. In mid-2003, Allied Domecq's chief executive Philip Bowman met with Bacardi CEO, Ruben Rodriguez, for informal talks, although both were keen to squash merger rumours.  The competitive pressure resulting from consolidation within the industry has also led to an increased likelihood of Bacardi being floated on the stock market. A stock market listing would provide Bacardi with the flexibility and potential to raise the capital needed to allow it to buy or merge with competitors. However, Euromonitor International expects Bacardi to focus more heavily on broadening its spirits portfolio, following a stock market flotation, thereby making a divestment of its wine business a more probable scenario.  In February 2004, Pernod Ricard was again the subject of rumours with regard to a possible merger with Allied Domecq. Despite the inevitable denials from both companies, at the very least a close alliance between the two companies in the short to medium term looks highly possible.  Euromonitor International sees a certain synergy between the two companies, in that both of them see the long-term benefits of wine, as opposed to a declining spirits business. This sets them apart from Diageo in particular, which has provided little support for its wine brands in recent years, focusing instead on its high-profile spirits business, in addition to its beer portfolio, which it is hoping to expand. An Anglo-French alliance between Allied Domecq and Pernod Ricard would fill substantial gaps in both wine portfolios, giving Allied Domecq a key Australian brand (Jacob's Creek) and Pernod Ricard an important Californian brand (Callaway Coastal), which they are currently missing. A joint company would then be in a strong position to tackle the one remaining chink in the combined New World portfolio - a Chilean brand.  With growing consolidation in the global alcoholic drinks market, and a number of wines companies vying for shelf space, Euromonitor sees strong scope for further merger and acquisition activity. Industry consolidation is likely to make life harder for the smaller local wineries in the short term. Lack of capital is a major barrier to growth for smaller players, and one which leaves them open to acquisition by larger companies.  Other potential targets also expected to be at the centre of the merger and acquisition stage in 2004-2005 include California winery Robert Mondavi and family-owned Australian producer, Casella Wines, owner of the successful Yellow Tail brand. The coming eighteen months could turn out to be another interesting phase for the industry.  **4. Student Alcohol, Drug Use Drops in Area**  By: Michele Linck - *Sioux City Journal*  September 20, 2004    SIOUX CITY, IA -- Fewer Siouxland students are abusing alcohol, illegal drugs and tobacco than their peer groups of five years ago, and others are abusing them less often, a new survey shows.    Siouxland CARES' 2004 survey showed statistically significant declines, overall, in binge drinking, smoking, marijuana use and other risky behaviors compared to the students' counterparts in 1999.    Years of community drug and alcohol abuse education may be beginning to pay off, said Linda Phillips, executive director of Siouxland CARES. The coalition, whose mission is to educate and eliminate the abuse of alcohol and drugs, has conducted the survey since 1995.      This year's survey was completed by 5,025 students in the sixth-, eighth-, 10th- and 12th-grades in the following school systems: Sioux City Community, Sioux City Catholic, Sergeant Bluff-Luton, Dakota Valley, Woodbury Central, River Valley, Lawton-Bronson and South Sioux City. Only four districts participated in the first survey, in 1999.    This year's results showed some statistically meaningful downward trends in the use of alcohol and illegal drugs among students, Phillips said.    "Overall, we have been totally flat for five years," she said. "This past year, for some reason, we have made some changes of 3 to 6 percent." She said changes of that magnitude are statistically significant.    **Less lifetime alcohol, tobacco use**    Among the biggest swings from the 1999 survey to this year's is the reported difficulty is getting alcohol; of all students surveyed 1999, 27 percent said it was difficult to get, while this year, 34 percent said it is difficult to get. And, it also got harder to get methamphetamine, students said. In 1999, 66 percent said the epidemic street drug was hard to get. In 2004 that figure jumped 10 points, to 77 percent.    Phillips points out that means the kids perceive it as harder for them to get, not necessarily hard for people in their 20s and 30s.    "But, we're going in the right direction," she said.    More students also reported never using, or using drugs and alcohol less frequently, than did previous years' students. In 1999, 15 percent of the 12th-graders reported never using alcohol (defined as having their own glass/drink) in their lifetime, while this year, 25 percent said they had never had a drink.    More students also reported never using tobacco: 54 percent in 1999 compared to 68 percent in 2004. Among sixth-graders, 83 percent in 1999 reported never using tobacco, while 91 percent this year said they had never used it. Among 12th-graders the percentage of those who had never used tobacco jumped from 30 percent in 1999 to 47 percent in 2004.    Phillips said a drop in reported binge drinking, defined as having five or more drinks at one time, was also encouraging. The composite percentage of those who said they had not done binge drinking in the past year grew from 63 percent in 1999 to 70 percent this year.    Among 12th-graders, that year, figure rose from 36 percent in 1999 to 44 percent this year. The percentage of 10th-graders who said they had not binged in the past year went from 46 percent in 1999 to 56 percent this year.    **More choosing not to use**    "Even 6 percentage points is huge in something like this," Phillips said. "More are choosing not to use. All the reasons for it, we're never going to know. If it's harder to get, they'll use less. If their parents don't buy it for them, it's harder to get. And, some of the community laws and norms are starting to kick in."    Phillips said she thinks that the schools' having a no-tolerance policy for participation in extra-curricular activities and sports accounts for some of the declines in substance abuse.    "I think the parents are the biggest influence," Phillips said. "If the parents lead them to believe it's okay, they're going to think it's OK."    She said there is more awareness of drug and alcohol issues among parents, but there are still philosophical differences; Some parents think it's OK if their kids are at parties where drugs and alcohol are being used as long as their kids aren't using.    "We need to have that discussion of '(frequenting a) disorderly house,'" she said, of the criminal charge levied against people at a party where illegal activity is occurring.    And, she said, in forums outside the survey, students report that a lot of kids still drive after drinking because they think it fools their parents; they reason that if they drive home their parents will think they didn't drink.    The 2004 survey also showed declines in that behavior. In 1999, 49 percent of 12th-graders said they had driven a car in the past year after using drugs or alcohol; in 2004, that figure dropped to 39 percent. Among 10th-graders it dropped just 2 points over five years, from 27 percent to 25 percent.    A similar drop occurred among students who reported that in the past year they had ridden in car whose driver had been using drugs or alcohol; 61 percent of 12th-graders in 1999 said they had done so, while 52 percent said they had in 2004. Among 10th-graders, the figures were 57 percent in 1999 and 50 percent in 2004.    **Thirty-day use stays 'flat'**    Despite some downward trends, measures of whether students used smokeless tobacco, marijuana, meth, cocaine or inhalants in the past 30 days, rather than a full year, remained statistically flat across all four grades with a couple exceptions. For example, among 10th-graders, fewer said they had done binge drinking in the past 30 days than in 2002, the first year for that measure. In 2002, 63 percent said they had not binged; this year, 70 percent said they had not.    Phillips said the 30-day measure is designed to show trends of habitual use.    She said she thinks the survey years are comparable, even though the sample size has grown over the years. While each school district handles the survey differently, in most a parent must notify the school they don't want their child to participate. A survey done by the state of Iowa required active parental consent and Sioux City never got enough participation for the numbers to be meaningful. she said.  **5. U.S. Beer Consumption on Decline**  Source: *The Washington Times*  September 20, 2004  Norwalk, CT, Sep. 20 (UPI) – Adams Beverage in Norwalk, Conn., said Monday the U.S. beer market contracted 0.3 percent in 2003.  The nation’s beer market declined to 2.8 billion 2.25-gallon cases, having increased steadily for the past seven years.  “Beer consumption clearly took a hit from the focus on low-carb diets,” said Tiziana Mohorovic, spokesperson for Adams Beverage Group.  “Increased competition from spirits and wine products also took its toll,” Mohorovic said. Spirits and wine consumption have not only benefited from ongoing new product launches and from the cocktail culture sweeping the country, but also from glamorous advertising campaigns and increased availability.  More states are doing away with blue laws, thereby permitting spirits and wine sales on Sunday and in more retail channels. Both distilled spirits and wine consumption continued their upward climb in 2003.  With the booming popularity of the Atkins diet and its trendy South Beach offshoot, America became obsessed with carbs in 2003.  The Adams Beer Handbook 2004 contains beer consumption by category, state and metro market. | |
| **6. Getting Your Bordeaux to Go**  By Katy McLaughlin, Staff Reporter – *The Wall Street Journal*  September 22, 2004  **New Laws Let Diners Take Leftover Wine Home; Stashing the Bag in the Trunk**  It's the perfect ending to an elegant evening out at a restaurant: Lugging the leftover wine home in a paper bag.  For years, it's been illegal in most states for restaurants to send unfinished bottles of wine out the door with customers who bought them. But a wave of recent legal changes is making it possible in an increasing number of states. The latest state to jump on the doggie-bag bandwagon: New York state, which put its new law into effect less than two weeks ago. This summer, Colorado adopted such a law, and last year, Connecticut, Utah, Hawaii and Pennsylvania all put similar statutes into effect. A doggie-bag bill is pending in Massachusetts, and liquor-authority staff members in a handful of other states say they expect more such laws will soon be proposed.  The upshot: Though many restaurant-goers don't know it, 27 states, from California to Texas and Vermont, now allow people to re-cork their wine and take it home. Seven other states have no statewide law that addresses the issue, making it a gray area in some places -- though it is forbidden by local ordinances in others.  The legal changes are partly an effort to curb drunken driving. Letting diners take home unfinished wine removes some of the pressure to finish a bottle at the table before getting behind the wheel.  Restaurant associations in various states have also lobbied for the changes. Their hope is that customers will be more willing to order bottles of wine (a profit center for restaurants) if they're free to leave with any leftovers.  That's welcome news for wine lovers like Andrew Pollock, a New York architect who regularly orders a full bottle of wine when dining out with his wife -- but then feels compelled to polish the whole thing off. "I always make sure I drink it, even if I have to stagger home," says Mr. Pollock. Considering the markup on restaurant wine, "it would drive me nuts to leave a bottle" unfinished on the table, he says.  However, just because it's legal to doggie-bag that Chianti, doesn't mean every restaurant automatically allows it. It's usually voluntary for the restaurant to participate, and some opt out amid concerns they could be liable if a driver toting wine home had a drinking-related accident. In addition, in some states, the rules vary by city or county. To avoid misunderstandings at the end of the meal, consumers should ask a restaurant about its policy before ordering.  Some states, including Texas, Connecticut, North Carolina and Utah, require restaurants to offer the doggie-bag option. But even some of these laws don't explicitly say that restaurants will be punished if they don't allow it. And in Florida, restaurants need a combination of permits to doggie-bag wine, but few restaurants have them.  In other states, your rights are less clear. There's nothing on the books to say you can't take it with you in West Virginia, for example. However, state law makes it illegal to have an open bottle of alcohol in any public place, which means theoretically you could be in violation of the law while walking through the parking lot to your car.  Because of open-container laws -- which prohibit people from having open bottles or cans of alcoholic drinks in the passenger area of their cars -- it's a good idea (and the law in some places) to stash the bottle in the trunk for the drive home.  Most doggie-bag statutes have been written with open-container laws in mind. For instance, some require restaurants to reseal and repackage opened wine so carefully you would think people are transporting radioactive material. Arizona's law says that the wine cork has to be reinserted so fully that the top of the cork is flush with the lip of the bottle. A spokesman for the Arizona Department of Liquor Licenses and Control acknowledges that can be impossible and says this requirement isn't strictly enforced.  New York's law requires restaurants to reseal or recork the wine, place it in a "one-time-use tamper-proof transparent bag," and then securely seal the bag.  It may take time for the changes to fully take effect. On a visit to Locanda Vini and Olli, an Italian restaurant in Brooklyn on Sept. 10 -- one day after the New York state doggie- bag law took effect -- the restaurant told a group of diners they couldn't take home wine leftovers. Catherine de Zagon, a co-owner, says that her attorney advised her not to let customers take out wine until October since the police might not be aware of the change in law. She adds that, since New York law doesn't require restaurants to allow doggie-bags for wine, she may continue to forbid them.  Montrachet, a New York City restaurant with a 1,400-bottle wine list, also isn't yet letting customers carry out wine, because the restaurant says the state hadn't yet informed them exactly how the wine was to be resealed. But they say they intend to allow doggie bags in the near future.  The New York State Division of Alcoholic Beverage Control says all the information is available on its Web site and that restaurants can immediately begin offering the doggie-bag option. | |
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