



NEW YORK STATE SENATOR

Joseph A. Griffo

Governor signs Senator Griffo's bill to allow popular wine ice cream to be sold in smaller containers

[Joseph A. Griffo](#)

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UTICA – State Senator Joseph Griffo announced today at Chanatry’s Supermarket in South Utica that the Governor has signed legislation he authored that now allows wine-infused ice cream to be sold in smaller containers.

Signed as National Dairy Month comes to an end, this bill sponsored by Senator Griffo and Assemblyman William Magee – [S4265/A5964](#) – highlights the ability of New York State to help foster further growth and success among the state’s smaller local businesses and farms, like Mercer’s Dairy in Boonville. After Mercer’s created this popular dessert 10 years ago, Senator Griffo’s efforts in Albany ultimately made it legal in 2008 for wine ice cream to be sold throughout New York State.

Now as Mercer’s wine ice cream continues to grow in popularity – statewide, nationally and across the globe – the larger pint-size containers for this treat were not the most practical size for people to consume wine ice cream at many of the venues where it is dished out. In response to this demand for smaller containers, this new legislation sponsored by Senator Griffo and Assemblyman Magee would make it easier to consume wine ice cream on occasions such as weddings, fundraisers, recreational tours, cruise ships and other events like Taste NY that highlight local products, as well as the Utica Zoo’s Wine in the Wilderness annual fundraiser.

This legislation updates the state Agriculture and Markets Law that had required the frozen dessert to be sold in packaging no smaller than 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: “All across our state, small businesses and farms have long been the backbone of our local economies. Whenever there is an opportunity to help local businesses and farms expand in our state, I am proud to do everything I can to bring about the changes that will further enhance this prosperity. Mercer’s Dairy is an example of the success that businesses and farms can experience when the state creates better conditions for business in New York, and I am glad that more people will now be able to enjoy this cool and delicious dessert as we enter the summer season. I’d like to thank the Governor for signing this legislation to help boost our local economies.”

Assemblyman William Magee, D-Nelson, said: “The ever-increasing popularity of Mercer’s Wine Ice Cream has brought us to this expansion of the original legislation. Fulfilling the market potential for this unique and delicious confection with the distribution of this popular product in convenient, single cup servings is a win for consumers and vendors, as well as Mercer’s.”

Roxaina Hurlburt, director of marketing for Mercer’s Dairy and one of its original owners, said: “Once again, Senator Griffo has provided invaluable help and support to small business. Standing behind us and believing in our vision provides further opportunities for Mercer’s Dairy as a New York State manufacturer, while enhancing our ability to create jobs. We truly appreciate Senator Griffo’s seemingly endless efforts, with the help of Assemblyman Magee, to forward the interests of his constituents.”

###

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
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[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?