



Massachusetts Package Stores Association, Inc.

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SJC Decision Affirming the Attorney General's Certification of the Cumberland Farms Ballot Question Opens the Door to Deregulation and Marketplace Control

Westborough, MA ---- On May 26, 2020, a decision was released by the Massachusetts Supreme Judicial Court (SJC) that affirmed certification by the Attorney General of the “Cumberland Farms Ballot Question.” The question, introduced by Cumberland Farms, would create unlimited alcohol licenses for all food stores, phase out limits on how many off-premise licenses one entity can hold, change ID requirements, and increase enforcement funding to the ABCC.

It is very disappointing that the SJC did not fully recognize how these multiple issues crammed together into one question should not have been certified. The “Expanded Alcohol Beverage Licenses” ballot question is an abuse of the Massachusetts referendum system, because it intentionally was crafted by Cumberland Farms to mislead voters into deregulating alcohol licenses. The masked intent of the question is marketplace control.

MPSA has stated from the start that this Frankenstein-like question is all about marketplace control by large corporate interests through the deregulation of alcohol licenses. Furthermore, the Cumberland Farms ballot question is a hidden attack to the regulatory system for alcohol retail in Massachusetts by an international corporation. Cumberland Farms, the group behind the “Expanded Alcohol Beverage Licenses” ballot question, is owned by E.G. Group, who is based in the United Kingdom. MPSA is deeply concerned for local brick and mortar retail, the future of state regulation and for the public safety and wellbeing of residents.

MPSA's concerns have been confirmed by the SJC's decision, and through the AG's title and one line statement of the ballot question to voters. The SJC in their decision stated that the general purpose of the question has nothing to do with creating a new type of beer and wine license for food stores, because they can already have 9 licenses. To the contrary the general purpose stated by the Court is the deregulation of alcohol licenses. It is for this reason that the AG provided a title to the question that better places the voter on notice. The title of the question is “Expanded Alcohol Beverage Licenses.”

Cumberland Farms and their supporters currently have until June 17 to submit 13,347 signatures to local election officials for certification, and until July 1 to submit them to Secretary of State William Galvin's office to qualify for the Nov. 3 ballot. It may be that voters will decide the question in November, but to what end will the petitioners go toward further misleading the public? The answer is already known.

Last week, Cumberland Farms initiated litigation that seeks to mask their efforts at deregulation and marketplace control. The complaint to the SJC seeks to change the title and one line statement by the AG to the voters. This is a direct and blatant effort to hide Cumberland Farm's true intent to deregulate licenses and gain marketplace control by using the state referendum process. MPSA has petitioned to intervene against changing the title of the ballot question and the one sentence voter statement. Considering today's ruling, and as we look to what the future may hold, MPSA remains resolved in opposing the Cumberland Farms Ballot Question.

The Massachusetts Package Stores Association (MPSA) is a non-profit trade organization representing the interests of the thousands of independently owned retail liquor stores across Massachusetts. The Board of Directors of MPSA are primarily comprised of owner/operators of retail stores of beer, wine and spirits. Contact MPSA with any questions at (800) 322-1383, or email info@masspack.org. Visit the MPSA website at: www.masspack.org