

WALL STREET JOURNAL

Published: Sunday, September 21, 2006

By Vanessa O'Connell
The Wall Street Journal

Doggy bags for leftover wine becoming popular

We had finished our dinner, but our bottle of \$35 Italian wine was still half full. So we asked the waiter at Manhattan's Parma restaurant if we could take it to go.

The waiter didn't blink. He took the bottle, and a few minutes later, placed it back on our table - recorked, with tinfoil over the top, and wrapped up in a plastic "I Love New York" bag.

It used to be illegal in New York and many other places in the U.S. for a customer to leave a restaurant with an open wine bottle. Now, about 34 states, including Washington, have passed "recorking" laws letting restaurant patrons take home partially drunk bottles of wine, as long as the bottles are properly sealed. (In Washington, RCW 66.24.400(1) allows patrons to take home partially consumed bottles of wine if they are re-corked and packaged.)

Proponents believe that these laws, sometimes known as "cork-and-carry" laws, will encourage more-responsible consumption of alcoholic beverages because customers won't feel pressure to finish a bottle of wine on the spot. For the same reason, many restaurants expect more customers to order full bottles of wine when they go out to eat, knowing they can take it with them if they don't finish. Tom Pirko, president of consulting firm Bevmark, of Santa Ynez, Calif., believes the practice of recorking restaurant wine is "one of the contributing factors for the vigorous recent wine sales."

Some restaurants have been reluctant to encourage patrons to take home partially drunk wine, because they worried that liability issues hadn't been carefully examined. But generally, their concerns have eased as they have become more comfortable with the requirements of new laws. (For instance, the New York law, enacted in 2004, specifies that the wine must be securely resealed and placed in a "one-time-use tamper-proof transparent bag.")

A restaurant's profit is anywhere from two-and-a-half to five times the wholesale cost of the bottle, which gives them a big incentive to try to encourage wine sales by letting wine drinkers take the leftover home. When customers at Cole's Chop House in Napa, Calif., finish their meals, for instance, waiters often show up with desserts and a tall, slender brown bag. Without prompting, they ask whether to recork the wine, and after doing so, will place it in the bag.

"A proven marketing idea" is how WineDoggyBag.com describes the new laws. The San Juan Capistrano, Calif., start-up, now in its second year, supplies restaurants with tamper-proof, transparent, one-time-use bags designed for restaurant patrons looking to take home unfinished bottles of wine. It also suggests restaurants put stickers on wine lists that say: "Take home your unfinished wine. Ask your server for details."

In sampling restaurants around the country, we discovered that many restaurants do very little to package the leftover wine in a sophisticated way. Generally, we found ourselves walking out of the establishments with our wine bottle wrapped in a white, plastic grocery-store bag. At a seafood restaurant in downtown Des Moines, Iowa, when our waitress delivered the check, we said, "We only drank half our wine. May we take it home?" Without hesitation, she cheerily replied, "Certainly. I'll get you a bag." She returned with the kind of plastic bag you get in grocery stores and produced a metal screw top for the bottle from her pocket. She then placed the bottle in the bag and twisted it around the neck. "Looks kind of tacky," she rightly observed.

What's more, before you run out to a restaurant and expect to leave with your half-empty bottle, you should call ahead and make sure it's okay. Lynn Walding, administrator of Iowa's Alcoholic Beverages Division, said that restaurants in the state must pay \$500 for a special license if they want to let patrons take home open bottles of wine.

Keep in mind that about 40 states, including Washington and Washington, D.C., have "open container" laws prohibiting people from traveling in a car with an open bottle of wine, liquor or beer. In Iowa, recorked wine is considered "unsealed," and is supposed to be placed directly in the car trunk.

At Jeffrey's, in Austin, Texas, our waiter told us "as long as it's corked up, you can take it," and then he picked up the cork and pushed it halfway into the bottle. He didn't provide a bag. As we left, we grabbed the bottle, walked outside, gave the valet our car ticket, then handed the wine to our passenger and drove home. Turns out we broke the law. According to Carolyn Beck, public information officer at the Texas Alcoholic Beverage Commission, what Jeffrey's did was perfectly legal. But having an "open container" in our car was a Class C misdemeanor punishable by up to a \$500 fine. Any open bottle of wine must be in either a locked glove compartment or the trunk.

Even so, we felt that perhaps restaurants should encourage more people to take their wine home. The night we were at Jeffrey's in Austin, for instance, one patron was escorted into the bathroom, which she occupied during all of our meal, because, the waiter told us, she and her table had a little too much to drink.

Ethan Smith, Richard Gibson, Russell Gold and Ilan Brat contributed to this article.