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Fruit Baskets unlimited

Unique Gourmet Food & Fruit Baskets
and Floral Arrangements

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February 16, 2010

House Bill No. 5139

AN ACT CONCERNING THE SALE OF WINE WITH GIFT BASKETS

Dear Chairmen Colapietro and Shapiro,

I thank each of you for holding this hearing and I also thank Sen. Witkos and Rep. Schofield for sponsoring the proposed legislation the enactment of which is of critical importance to my business and industry, AN ACT CONCERNING THE SALE OF WINE WITH GIFT BASKETS.

My business and other Connecticut businesses which I compete against and who are spread out throughout the state, at least in every Senatorial District, are discriminated against because we are resident in Connecticut where each of us employs people and pay taxes. At present our state laws permit an unlevel playing field in that out-of-state firms, most of them nationwide in scope, can include wine in gift baskets that they make out-of-state, but send to Connecticut residents. Therefore, we are discriminated against because while we maintain our businesses in Connecticut, we are unable to include wine in gift baskets and this legislation is designed to rectify that reality. Please know that most local florist shops make and deliver fruit and/or gourmet food gift baskets. Not all do, but most do and this legislation could benefit many, many small businesses in Connecticut.

To provide evidence of the discrimination we face, I am attaching to this testimony copies of pages from brochures I have received at home which clearly demonstrate that wine is being shipped to Connecticut residents by out-of-state companies to my disadvantage. Of course, the distribution of these catalogs and catalogs from other firms are sent on a mass scale to hundreds of thousands of Connecticut citizens throughout the year. Certainly, Connecticut citizens are also subject to e-mailed sales pitches from these and other companies enticing them to ship wine based gifts. For the sake of brevity, I have selected to attach only two offerings to ship wine with gift baskets, but I could have included many more.

To be clear, I am in the gift basket business, and don't want to be in the wine business and/or to compete directly with Connecticut liquor stores from whom we will purchase the wine we will use in our gifts if this legislation is passed. It is just that there are celebratory occasions where many Connecticut residents might want to include wine in a gift basket and to do so, they must place their orders with an out-of-state company. In these very trying times for all businesses nationally, we only want parity and a level playing field with other companies so that we can compete and prosper. I can say categorically that this past holiday season my company was hurt when we had to forego at least one very large order from a company because of inability to ship gifts with wine.

Moreover, to ensure that liquor stores don't think that we will compete with them, I am willing to accept that this proposed legislation include a clause that any gift basket we sent must have a value of at least five (5) times the value of the wine we include in the gift. We want a win/win situation for all parties involved and if we end up being good clients of liquor stores we will also be increasing tax revenues for the State of Connecticut.

If you have any questions, I will be pleased to respond to them. I sincerely hope that you will give this legislation the consideration it deserves. Thank you again.....

 2/16/2010

How to order

We're here 24 hours a day, every day except Christmas.

INTERNET: HarryandDavid.com

PHONE: 800-547-3033

FAX: 800-648-6640

MAIL: Harry & David
PO Box 712
Medford, OR 97501

CUSTOMER SERVICE: 800-345-5655

TDD: 800-348-3222

BUSINESS GIFT SERVICES:
For orders over \$2500 call
800-248-5567

To find the nearest Harry & David store:
HarryandDavid.com/go/stores
OR: 877-233-1000

Send a Harry & David gift card.

Write "Gift Card" on the order form and fill in the amount. They're also available at our stores and Website.



ITEM 200Z Minimum of \$25.00. Increments of \$5.00

The Strongest Guarantee in the Business.

You and those who receive your gifts must be delighted, or we'll make it right with either an appropriate replacement or a refund.

Arrival dates and substitutions

- We will deliver your order as promised if effective delivery services available.
- If your mail order is received too late to request arrival date via standard delivery upgrade to express delivery and charge.
- Because weather can delay harvests, Fru Club® shipments may arrive early in their scheduled arrival dates.
- Because adverse conditions can sometimes shipments, we may need to ship your order on-time delivery.
- If an item is unavailable, we will substitute of equal or greater value.

Sales taxes

We must collect state and local taxes for non to the following states: AL, AZ, CA, CO, CT, IL, IN, KS, LA, MA, MD, ME, MI, MN, MO, NM, NV, NY, OH, PA, SC, TN, TX, UT, VA. In addition, orders that contain wine are taxing states: CA, CT, FL, ID, LA, MA, NC, NH, WA, WV. The taxability of wine, food, and items varies by state. Delivery & Processing when the product is taxable. We automatically for telephone and Internet orders.

Our privacy policy

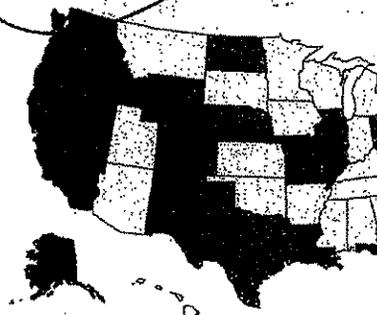
Harry & David recognizes that privacy is and is committed to maintaining and using information responsibly. Review our privacy policy at HarryandDavid.com.



We exchange our customer lists with reputable companies. If you do not want mailings from other companies catalogs, please send your name and address your mailing label to:
Harry & David Customer Service, Medford

Wine shipments

Products containing wine ("wine.com") are sold and delivered by Harry & David is the market void where prohibited by law wine products can be shipped to the following states: AK*, CA, CO, CT**, DC, FL*, ID*, IL, LA, MA, NE, NH, NJ, NM, NV, NY**, OH, OR, TX, VA



*Local laws prevent shipping wine product codes in Alaska, Florida and Idaho.

**State regulations in New York and Connecticut wine and food from being shipped in the same package. Wine products ordered that include both wine and food will be sent in two separate packages.

You must be 21 years of age or older to order or receive delivery of wine products. By ordering wine products, you swear and affirm that: a) you are 21 years of age or older; b) your purchase of wine

NEW! Lower Delivery & Processing Rates ON MOST ORDERS

DELIVERY METHOD	ARRIVAL DATE	RATE	CUTOFF DATES
Standard Delivery	4-5 business days to most zip codes.	15% of merchandise total + \$2.99 per item	Halloween: Oct 26 Thanksgiving: Nov 19 Hanukkah Eve: Dec 14 Christmas: Dec 17 New Year's Eve: Dec 23
All Club gifts	Monthly, at peak of freshness	15% of merchandise total + \$2.99 per month	
3-Day Express Delivery	Same day shipping if ordered by 10 am PST. 3 business days to most zip codes.	\$9.99 per item plus Standard Delivery & Processing charge	Halloween: Oct 28 Thanksgiving: Nov 21 Hanukkah Eve: Dec 16 Christmas: Dec 19 New Year's Eve: Dec 26
2-Day Express Delivery	Same day shipping if ordered by 10 am PST. 2 business days to most zip codes.	\$11.99 per item plus Standard Delivery & Processing charge.	Halloween: Oct 29 Thanksgiving: Nov 24 Hanukkah Eve: Dec 17 Christmas: Dec 22 New Year's Eve: Dec 29
Overnight Delivery	Same day shipping if ordered by 10 am PST. 1 business day to most zip codes.	\$19.99 per item plus Standard Delivery & Processing charge	Halloween: Oct 30 Thanksgiving: Nov 25 Hanukkah Eve: Dec 18 Christmas: Dec 23 New Year's Eve: Dec 30

ADD A PERSONAL GREETING CARD (\$4.95). SEE MORE ONLINE.

ITEM C10 Season's Greetings	ITEM C88 (blank)	ITEM D87 Thank You	ITEM D90 Merry Christmas	ITEM D84 Celebrate	ITEM D83 Happy Holidays

Additional Delivery & Processing information*

- Delivery & Processing is calculated using regular price of merchandise.
- Standard Delivery & Processing charges are intended to cover the costs incurred to process, prepare, and transport your order and related customer service.
- If rising costs affect delivery charges, a surcharge may be applied.
- We guarantee delivery only to the addresses we are given. Postal and delivery services may not forward without additional charges that we will pass on to you.
- Alaska or Hawaii: add \$9.99 per item to the Standard Delivery & Processing rates and allow three additional days for Standard Delivery, and one additional day for

Wine Country Gift Baskets 4225 N. Palm Street, Fullerton, CA 92835-1045

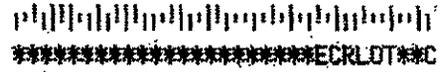
www.winecountrygiftbaskets.com
(800) 394-0394

Customer Number

177449139

Catalog Code

2982370



ROBERT DUGUAY
11 HOD BROOK DR
SIMSBURY CT 06070-3015

As of press time, ALL wine may be shipped to:
AK, AZ, CA, CO, CT, DC, FL, HI, ID, IL, IN, IA, KS, KY, LA, ME, MI, MN,
MO, NE, NV, NH, NM, NB, ND, OH, OR, SC, TN, TX, VT, WV, WI, WY.

Briar Creek Cellars, Cliffside, Cloudbanks, Little Lakes,
Steeplechase, Talaria and Windwhistle Grove wine gifts
may be shipped to: GA, NY, VA, WA.

Visit our website or call for details and more gift selections.

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