



August 5, 2019

Department of Justice,

On behalf of the Garden State Wine Growers Association which represents over 50 wineries, grape growers and vineyards in New Jersey, we respectfully submit the following comments regarding the ASCAP and BMI Consent Decrees. We greatly urge the Department of Justice to preserve and protect the pro-consumer Consent Decrees governing the American Society of Composers, Authors and Publishers (ASCAP) and Broadcast Music, Inc. (BMI).

Our wine industry in New Jersey is a fledgling one. We now have 50 wineries open. Many of them are in rural parts of the state. In order to attract visitors, many of our wineries hire local musicians to perform on weekends. This allows them to compete with other entertainment attractions.

In doing so, our wineries have relied on paying their fees to ASCAP and BMI to handle music licensing. Our wineries simply do not have the manpower or resources to check on licenses of music that their hired acts are playing.

The consent decrees serve our wineries interest by providing essential protections from anti-competitive behaviors. If there were no consent decrees, many of our wineries would eliminate music from their programs. This would be harmful to local musicians and would have a direct impact on winery sales. Thus, it would hurt songwriters and musicians, the two entities that music licensing benefits. Those wineries that would elect to continue would be forced to pay exorbitant prices to these PRO's.

Even though our wineries currently pay licensing fees to ASCAP and BMI, they feel intimidated at times by the constant harassment by these entities and what appears to be pooling of information. Allowing them to operate without the Consent Decrees would create a disruptive situation that would permeate throughout our state's wine industry.

SESAC, which is not under a Consent Decree, has prices that are almost double what ASCAP and BMI charge our wineries. Without the decrees in place, the harassment from ASCAP, BMI, and SESAC will only get worse. Thus, we need a legislative agreement to be put in place.

We ask the Department of Justice to protect our wineries ability to play music, host new and upcoming artists, and ensure these pro-consumer decrees are protected.

Sincerely,

Tom Cosentino

Tom Cosentino, Executive Director
Garden State Wine Growers Association
PO Box 386
Cream Ridge, New Jersey 08514