IN THE SUPERIOR COURT
OF THE VIRGIN ISLANDS

FILED
November 25, 2026 02:06 PM
SX-2026-CV-00340
TAMARA CHARLES
CLERK OF THE COURT

Exhibit 2

Petition for Reconsideration Pursuant to 3 V.I.C. § 272(f)(1),
filed with the Department on November 4, 2026, with its exhibits

GOVERNMENT OF THE VIRGIN ISLANDS
BEFORE THE DEPARTMENT OF LICENSING AND CONSUMER AFFAIRS
DIVISION OF ST. CROIX

IN THE MATTER OF PROSPERITY FARM NY LLC and RAISINGCANE NY LLC Petitioners, RE: NOTICE OF WITHDRAWAL OF INADVERTENT APPROVAL, ALCOHOLIC BEVERAGE BRAND REGISTRATION AND LABEL COMPLIANCE REVIEW DATED OCTOBER 26, 2026 (ALCOHOL CONTROL UNIT) Respondent	CASE NUMBER:

PETITION FOR RECONSIDERATION PURSUANT TO 3 V.I.C. § 272(f)(1)

Petitioners Prosperity Farm NY LLC ("Prosperity Farm") and RaisingCane NY LLC ("RaisingCane"), by and through undersigned counsel, petition under 3 V.I.C. § 272(f)(1) for reconsideration of the letter of the Department of Licensing and Consumer Affairs (the "Department" or "DLCA") dated October 26, 2026, signed by Assistant Commissioner Horace W. Graham, Jr., and captioned "NOTICE OF WITHDRAWAL OF INADVERTENT APPROVAL; ALCOHOLIC BEVERAGE BRAND REGISTRATION AND LABEL COMPLIANCE REVIEW - CORRECTIONS AND ADDITIONAL INFORMATION REQUIRED" (the "Withdrawal Notice") (Exhibit A). Petitioners ask the Department to rescind the Withdrawal Notice, to suspend its effect while this Petition is pending, and to grant the further relief stated in Part V. Petitioners' objections are specified in Part III.

I. TIMELINESS AND STANDING

Section 272(f)(1) provides that "[a]ny person directly or adversely affected by acts, orders or resolutions issued by the Department in accordance with the powers granted by this chapter, may within the ten (10) days following his notification file a written petition for reconsideration,

specifying his objections." 3 V.I.C. § 272(f)(1). Petitioners received the Withdrawal Notice on October 26, 2026, by email. This Petition is filed within ten days of that notification.

The Withdrawal Notice is addressed to Prosperity Farm, to the attention of RaisingCane, and concerns the six products that RaisingCane produces and sells on Prosperity Farm's property. It declares that "[e]ffective immediately, no approval arising from [the August 12, 2025] communication is in effect." Ex. A at 1. Each Petitioner is directly and adversely affected by it. It is an "act" of the Department: it states that the Department writes "through its Alcohol Control Unit," and it was issued in the exercise of the Department's "cognizance and control of the granting, transferring, revoking, suspending and canceling of all licenses and permits." 3 V.I.C. § 272(a)(14).

The Withdrawal Notice describes itself as "an administrative correction" and "not a final denial of the pending submissions," Ex. A at 1, but Section 272(f)(1) reaches "acts" as well as "orders" and "resolutions," and the withdrawal took effect immediately. If the Department contends that Section 272(f)(1) does not apply, Petitioners ask that this Petition be treated as a request for reconsideration under whatever authority the Department contends governs the Withdrawal Notice, and Petitioners file it in the alternative under that authority. Petitioners file this Petition voluntarily. A petition for reconsideration is not a prerequisite to review of a decision of the Department, because Section 272(f)(1) and Section 272(f)(2) both use the permissive "may." *Metro Motors, V.I., Inc. v. Dep't of Licensing & Consumer Affairs*, 2012 WL 13219652, at *3 (V.I. Super. Ct. Apr. 20, 2012) ("Given that both statutes speak in permissive language, the Court finds that a request for rehearing is not a prerequisite to appealing a decision of the DLCA."). Petitioners file it to give the Department the opportunity to correct the Withdrawal Notice, and they state in Part III each objection under territorial law on which they rely.

II. BACKGROUND

On July 1, 2025, Nicholas Francois, the Coordinator of the Department's Alcohol Control Unit, met with Robert Apfel at Prosperity Farm and asked that Petitioners submit the labels of their products to him for review and registration. That afternoon Petitioners sent the labels of the six products to Mr. Francois by email, and the next morning he acknowledged receipt ("Got it Thanks"). Ex. B at 1–13. At 9:34 a.m. on July 2, 2025, the Unit's Alcohol Control Inspector, Shenelle Bartlett-Benjamin, wrote to Petitioners under the subject "Label Approval," with copies to Mr. Francois and a third member of the Unit: "Please see approved labels. Attached is a registration form that should be filled out and submitted at your earliest convenience." *Id*. at 19.

The attached form, captioned "Alcohol Brand Registration Form," bears the Department's seal and letterhead. It calls for the names and address of the applicant and the business, the brand name, the type of beverage, a description of the product, its alcohol content, the label design, the manufacturer's name and address, the production facility license number, the production method, the intended markets and distribution channels, and answers to two questions on regulatory compliance. It does not call for a formulation, a recipe, or the percentage of any ingredient. Petitioners returned the completed form to Ms. Bartlett-Benjamin on July 15, 2025. Ex. B at 21; Ex. C. The form lists the six products; identifies the manufacturer as RaisingCane NY LLC, 180 Mahogany Road, Frederiksted; gives as the production facility license number RaisingCane's Department-issued business license, No. 2-59253-2L (Commercial Farming); and states the production method as "Farmed Cane to Distillation." Ex. C.

On July 16, 2025, Petitioners wrote to Mr. Francois and Ms. Bartlett-Benjamin: "We have retailers that want to stock and sell our products. Do you have an official letter that permits us to

sell as discussed?" Mr. Francois replied, "Yes, I do I will have it done." Ex. B at 23. That afternoon he sent Petitioners the letter of July 16, 2025. *Id*. at 22; Ex. D at 1.

The letter of July 16, 2025, issued by the Department's Alcohol Control Unit over the signature of its Coordinator, states that "[u]pon review of the following labels submitted by Prosperity Farm the Department of Licensing and Consumer Affairs Alcohol Unit hereby approves the following labels," listing Ginger Liqueur, Sorrel Gin, Banana Liqueur, Tropical Gin, Mauby Amaro, and Allspice Dram, and stating that the items "are approved for sale in the United States Virgin Islands." Ex. D at 1 (Bates PF 000109). On August 12, 2025, the Unit, over the same signature, wrote in substantially the same words as to the same six products. *Id*. at 2 (Bates PF 000110). That letter followed Petitioners' filing with Mr. Francois and Ms. Bartlett-Benjamin, on August 1, 2025, of amended labels for the six products, and Petitioners' inquiries of August 4, 6, and 8, 2025, to which Mr. Francois replied on August 11, 2025, "I will check on it." Ex. B at 24–40. On the afternoon of August 12, 2025, Ms. Bartlett-Benjamin sent Petitioners the letter of that date, writing, "Please see attached label approval." *Id*. at 42–43. The letter of August 12, 2025, describes the labels as "submitted by Prosperity Farm & Restaurant LLC." Ex. D at 2. No entity of that name exists. The labels were submitted on behalf of RaisingCane, which the Alcohol Brand Registration Form identifies as the manufacturer of the six products, Ex. C, and the Withdrawal Notice is itself addressed to Prosperity Farm, to the attention of RaisingCane. Ex. A at 1.

Petitioners thus filed the labels of the six products with the Alcohol Control Unit on July 1, 2025, and filed amended labels on August 1, 2025, in each case by email, the method of submission the Coordinator requested. Petitioners did not deliver printed specimens, and the Unit did not ask for them. RaisingCane began selling the six products through retail merchants in the

Territory in September 2025, more than ten days after that filing, and sold them to twenty-six accounts on St. Croix during 2026.

Petitioners placed both letters before the Commissioner as exhibits to the declaration of Robert Apfel supporting their Motion for Reconsideration of August 8, 2026, in Case Nos. C-E-103-25, C-E-104-25, and C-E-105-25. No citation, notice, or order issued to either Petitioner before October 26, 2026, identified any deficiency in any label of the six products. No communication from the Department or its Alcohol Control Unit identified any deficiency in the information in the Alcohol Brand Registration Form that Petitioners filed on July 15, 2025.

On October 26, 2026, the Assistant Commissioner issued the Withdrawal Notice, with copies to the Commissioner, the General Counsel, and the Alcohol Control Unit Coordinator. Ex. A at 7.

The Withdrawal Notice states that the Department "hereby withdraws and rescinds in full any purported approval conveyed by the August 12, 2025, communication," and that the August 12, 2025, communication "must not be relied upon as authorization to sell, resell, distribute, offer for sale, or otherwise place the identified products into commerce in the U.S. Virgin Islands." Ex. A at 1. It states that the August 12, 2025, statements "were made inadvertently and prematurely" and that the communication "was not issued or distributed through the Department's established review and authorization channels for final agency action." *Id.* It records the current status of each product's brand registration as "NO APPROVAL CURRENTLY IN EFFECT." *Id.* at 6. It does not mention the letter of July 16, 2025. No notice preceded the Withdrawal Notice, and no hearing was offered before or after it.

III. OBJECTIONS

OBJECTION 1. THE WITHDRAWAL WAS MADE WITHOUT NOTICE OR A HEARING.

The Withdrawal Notice took effect "immediately," was preceded by no notice, and identifies no hearing and no procedure by which Petitioners may contest it. The Department's enabling statute conditions its sanctioning powers on a hearing. It may impose administrative fines only "upon previous notice and an opportunity for a fair hearing," 3 V.I.C. § 272(b)(5), and it may issue an order to cease and desist only "[a]fter a hearing and determination that an accused party has violated this chapter or any administrative order, resolution or regulation issued pursuant to this chapter," *id*. § 272(d)(1). The Withdrawal Notice directs that the August 12, 2025, letter "must not be relied upon as authorization to sell, resell, distribute, offer for sale, or otherwise place the identified products into commerce." Ex. A at 1. To the extent the Department intends that direction to prohibit or restrict the sale of the six products by Petitioners or by their customers, it operates as an order to cease and desist issued with no hearing and no determination of any violation. The Withdrawal Notice's invitation to submit corrected labels for "further review," on no stated schedule, is not an opportunity to be heard on a withdrawal that has already taken effect. The Superior Court has held that the Department's request for a cease-and-desist order without notice and a hearing was contrary to Act No. 5265, the act that enacted Section 272. *Pate v. Gov't of the V.I.*, 62 V.I. 271, 297–98 & n.100 (V.I. Super. Ct. 2015). The Legislature has imposed the same condition throughout Title 8. The Commissioner may revoke or suspend a license issued under Chapter 1 only "upon finding, after public notice and adequate hearing, that such revocation or suspension is in the public interest," 8 V.I.C. § 17(a), and may suspend, cancel, or revoke a license for a violation of Chapter 3 only "after public notice and adequate hearing," 8 V.I.C. § 160.

OBJECTION 2. THE LABELING REGULATIONS THE WITHDRAWAL NOTICE CITES DO NOT PROVIDE FOR AN APPROVAL, FOR ITS WITHDRAWAL, OR FOR A PROHIBITION ON SALE PENDING REVIEW.

The Withdrawal Notice relies on 8 V.I. R. & Regs. § 2-18, which requires a distiller, blender, maker, or importer to "file with the Board not less than 10 days prior to the initial sale or use thereof 6 specimens of all labels," and which provides that "[n]o labels, wrappers, individual containers, or devices so filed will be expressly approved by the Board, and delay in objecting thereto shall not be construed as an approval thereof." 8 V.I. R. & Regs. § 2-18. Under that regulation, the condition of sale is the filing of specimens at least ten days before the first sale, not an approval. Petitioners filed the labels that the Unit approved. They filed the labels with the Alcohol Control Unit on July 1, 2025, at its Coordinator's request and by email, the method he requested, and filed amended labels on August 1, 2025, as the Withdrawal Notice reads Section 2-18 to require of amendments. Ex. B at 1–12, 24–36; Ex. A at 4. The Unit acknowledged receipt of the July 1, 2025, filing and did not ask for additional specimens. Ex. B at 13, 19. The withdrawal of an approval that, on the Department's own reading of Section 2-18, the regulation neither requires nor contemplates cannot change Petitioners' status under it, and nothing in Division 1 of Subchapter 2 authorizes the Department to suspend the sale of products whose labels have been filed pending "completion" of a review. The remedies Division 1 provides for a noncompliant label are a fine, forfeiture, and seizure subject to a petition to court, 8 V.I. R. & Regs. § 2-19(a), (b), (e). None is an administrative stop-sale directive, and none has been invoked. Correction, not withdrawal, is also the course the Department's predecessor followed. When the Government Secretary, acting for the Board, confiscated a shipment of spirits whose labels did not comply with the regulations, the District Court restrained the confiscation because the Secretary "ha[d] uniformly allowed the wholesaler or retailer to correct the deficiency," and it ordered the shipment

released once proper labels were attached. *Norman's on the Waterfront, Inc. v. V.I. Bd. of Control of Alcoholic Beverages*, 292 F. Supp. 391, 393–94 (D.V.I. 1968).

OBJECTION 3. 8 V.I.C. § 152 DOES NOT APPLY TO PRODUCTS PRODUCED AND DISTILLED IN THE VIRGIN ISLANDS.

The Withdrawal Notice states that 8 V.I.C. § 152 "requires the filing of specified information concerning the brand or trade name" and "separately requires approval of the brand, trade name, or other distinctive characteristic," and it records the brand registration of each product as having "NO APPROVAL CURRENTLY IN EFFECT." Ex. A at 2, 6. Section 152 appears in Chapter 3 of Title 8, the Alcoholic Beverages Fair Trade Law, and its filing and approval requirements apply to "alcoholic beverages." 8 V.I.C. § 152(a). For purposes of that chapter, "Alcoholic Beverage" "shall not include beer wherever produced or alcoholic beverages produced or distilled in the United States Virgin Islands." 8 V.I.C. § 151. The District Court of the Virgin Islands so read the statute: "all alcoholic beverages subject to the statute are imported, 8 V.I.C. § 151." *Norman's on the Waterfront, Inc. v. Wheatley*, 317 F. Supp. 247, 253 (D.V.I. 1970), *aff'd*, 444 F.2d 1011 (3d Cir. 1971). The six products are produced and distilled in the Virgin Islands. Section 152 therefore requires neither a filing nor an approval for them. Petitioners further reserve the position that Chapter 3 is without force: in *Norman's* the Third Circuit "affirm[ed] the District Court's judgment declaring the entire act void." 444 F.2d at 1019. It did so because "all the provisions of the Act, whether mandatory or permissive, are inextricably intertwined as a unitary legislative plan to regulate marketing of alcoholic beverages in the Virgin Islands." *Id*.

OBJECTION 4. THE WITHDRAWAL NOTICE IDENTIFIES NO AUTHORITY FOR THE ASSISTANT COMMISSIONER TO WITHDRAW THE APPROVAL.

The provisions on which the Withdrawal Notice relies assign the functions they describe to "the Board," the Virgin Islands Board of Control of Alcoholic Beverages. 8 V.I.C. § 1; 8 V.I.C.

§ 152(a) (approval "by the Board"); 8 V.I. R. & Regs. §§ 2-18, 2-19. The statute that continued the Board within the Department, 3 V.I.C. § 275, was repealed in 2003 (Act No. 6634, § 32). The Withdrawal Notice identifies no statute, regulation, or delegation that vests the Board's functions in the Department or in its Assistant Commissioner. If the Department contends that the repeal of Section 275 left the Board's functions with the Department itself, the Withdrawal Notice identifies no provision that so provides, and those functions would in any event be the Commissioner's to exercise or to delegate in writing. The duties of the Assistant Commissioner "shall be prescribed by the Commissioner consistent with the provisions of this chapter." 3 V.I.C. § 270(c). The Withdrawal Notice identifies no prescription by the Commissioner authorizing the Assistant Commissioner to withdraw an approval issued by the Alcohol Control Unit or to determine that no brand registration is in effect. Petitioners ask that the Department identify the authority under which the Assistant Commissioner acted and produce any written prescription of duties under Section 270(c) on which it relies.

OBJECTION 5. THE WITHDRAWAL NOTICE DOES NOT AFFECT THE LETTER OF JULY 16, 2025.

The Withdrawal Notice withdraws only "any purported approval conveyed by the August 12, 2025 communication." Ex. A at 1. It does not mention, withdraw, or qualify the letter of July 16, 2025, which approved labels of the same six products over the same signature and stated that the six items "are approved for sale in the United States Virgin Islands." Ex. D at 1. The letter of July 16, 2025, approved the labels Petitioners filed on July 1, 2025. Ex. B at 1–12. The labels the Withdrawal Notice describes are those labels, not the amended labels that the letter of August 12, 2025, approved. The Withdrawal Notice quotes the maker's statement "RaisingCane NY LLC, St. Croix, USVI," Ex. A at 2; identifies the four liqueurs by the designation "Sugar Cane Liqueur," *id.* at 1, 4–5, and the gins as "Distilled from Cane Spirit," *id.* at 5; quotes "Origin: St. Croix," *id.*

at 3; and states the proof of Sorrel Gin as 90 and of Tropical Gin as 96, *id.* at 5. Each of those statements appears on the labels filed on July 1, 2025. Ex. B at 7–12. None appears on the amended labels filed on August 1, 2025, and approved on August 12, 2025, which state the proof of Sorrel Gin as 94 and of Tropical Gin as 90. *Id.* at 25–36. The amended labels changed the text of the labels as well as their design, although Petitioners' transmittal described the change as one in "label appearance." *Id.* at 24. The amended labels carry descriptive statements about the products' ingredients like those the Withdrawal Notice addresses under 8 V.I. R. & Regs. § 2-5, Ex. A at 4–6, and they state that each product was "[f]armed, fermented, distilled, blended, and bottled at Prosperity Farm Distillery, St. Croix, U.S. Virgin Islands." Ex. B at 25–36. Petitioners address those matters in Objection 6. The point of this Objection is narrower. The Withdrawal Notice states the grounds for withdrawing the approval of August 12, 2025, by reference to the text of labels that the letter of July 16, 2025, approved, and it leaves that approval standing. Petitioners ask that the Department confirm in writing that the letter of July 16, 2025, remains in effect.

OBJECTION 6. THE MATTERS THE WITHDRAWAL NOTICE IDENTIFIES ARE REQUESTS FOR INFORMATION OR CURABLE LABELING POINTS, AND NONE SUPPORTS IMMEDIATE WITHDRAWAL.

Petitioners address each item without conceding that any is a deficiency, and without waiving Objections 1 through 5. None of the items identifies a statement on any label that is untrue, as 8 V.I.C. § 4 forbids, and none identifies any risk to any consumer. The labels of spirits made in the Territory by other producers, which are sold in the Territory, share the features the Withdrawal Notice questions. Exhibit E shows the labels of seventeen products of seven such producers. Petitioners' personnel purchased or photographed most of them on St. Croix, at the Domino Club, Artisan Craft Distillery, Sion Farm Distillery, The Market, and Jordan's Market; the others are images published by the producers or by others, and Exhibit E identifies the source of each. On

information and belief, the Department has not withdrawn any approval of, or prohibited the sale of, any of those products.

(a) Net contents. Each label states the net contents as "750 ml." The Withdrawal Notice cites 8 V.I. R. & Regs. § 2-10, which calls for net contents "in quarts or pints, or in fractions thereof," and itself invites "legal/regulatory support establishing that the proposed metric-only designation satisfies the current applicable requirement." Ex. A at 2. The 750 milliliter bottle is a metric standard of fill established under federal law for distilled spirits. *See* 27 C.F.R. § 5.203(a)(10) (authorizing 750 mL among the "metric standards of fill . . . for distilled spirits, whether domestically bottled or imported"). Every standard of fill that federal law authorizes for distilled spirits is stated in metric units; none is stated in quarts or pints. *Id*. § 5.203(a)(1)–(25). Every label shown in Exhibit E that states its net contents does so in metric units (750 ml, 750 mL, or 1 liter), and none states them in quarts or pints. Petitioners will add any equivalent statement of contents the Department specifies by a supplemental label.

(b) Name and address. The Alcohol Brand Registration Form that Petitioners filed on July 15, 2025, identifies the name, street address, and license number of the manufacturer of each product. Ex. C. Each label filed on July 1, 2025, identifies "RaisingCane NY LLC, St. Croix, USVI." Ex. A at 2. That statement names the maker and its location. The amended labels filed on August 1, 2025, state that each product was bottled "at Prosperity Farm Distillery, St. Croix, U.S. Virgin Islands," and state "Frederiksted, St. Croix" on the front panel. None of the labels shown in Exhibit E states a street address; those that identify a producer do so by name and by island, estate, territory, or city. RaisingCane's complete address, 180 Mahogany Road, Frederiksted, has been in the Department's registration records since July 15, 2025. Ex. C. Without conceding that

more address information is required, Petitioners will add the street address of the farm, 180 Mahogany Road, Frederiksted, St. Croix, by a supplemental label.

(c) Placement. Section 2-6 permits required material that does not appear on the brand label to appear on "an additional label affixed to the reverse side of the container." 8 V.I. R. & Regs. § 2-6(c). Any question of placement can be resolved by a supplemental label, and Petitioners will make any change of placement the Department specifies. Several of the labels shown in Exhibit E place the producer's identity on a back label that also carries other material, such as a narrative of the product's history, a promotional statement, or a QR code. A question of placement is not a reason to withdraw the approval of six products for sale.

(d) Origin and distillation. The Withdrawal Notice asks for documentation that "the underlying cane spirit used in each product was distilled at the location represented on the label." Ex. A at 3. The cane spirit in each product is distilled at the distillery on Prosperity Farm from a wash fermented on the farm from the juice of cane grown and milled there and other ingredients. Each product is blended and bottled on the farm. The Alcohol Brand Registration Form that Petitioners filed on July 15, 2025, at the Unit's request, identifies the farm as the place of manufacture, which was accurate when made and remains accurate; states the production method as "Farmed Cane to Distillation"; and identifies RaisingCane's Department-issued license as the production facility license. Ex. C. The Unit approved the labels on that record. The labels shown in Exhibit E make origin statements of the same kind, such as "Distilled and Bottled On St. Croix," "Product of the Virgin Islands," and "Origin of St. Croix." The Department's own Amended Decision and Order of July 30, 2026, orders Petitioners to cease the "[s]ale, distribution and distillation of liquor" at the same farm. Petitioners will make their production records available for inspection.

(e) Ingredient representations. Section 2-5 applies to a representation "(other than representation required by this division)" concerning an ingredient. 8 V.I. R. & Regs. § 2-5. The regulations require each label to state the "kind, type, nature, and general standard" of the spirit, *id.* § 2-4, and each brand label to state its "type," *id.* § 2-6(a). A product name such as "Ginger – Sugar Cane Liqueur" states the type the regulations require. None of the labels shown in Exhibit E that names a fruit, herb, spice, or other flavoring ingredient states the percentage of that ingredient. As to the descriptive statements the Withdrawal Notice identifies, Petitioners will make available, subject to an appropriate confidentiality arrangement, the weight or volume of each ingredient used in each routine batch of each product, from which the percentage of each ingredient represented can be determined, and ask that their formulations be held in confidence as trade secrets and used only for the purpose of this review.

(f) Flavoring and coloring materials (Sorrel Gin and Tropical Gin). Petitioners will make available, subject to an appropriate confidentiality arrangement, the weight or volume of each ingredient used in each routine batch of each gin; will state whether either gin contains coloring, blending, smoothing, or flavoring matter within the meaning of 8 V.I. R. & Regs. § 2-16 and, if the aggregate exceeds 2½ percent by volume, the name and percentage of each such material; and will add any statement Section 2-16 requires by a supplemental label. Petitioners ask that this information also be held in confidence and used only for the purpose of this review. None of the flavored spirits other than cordials shown in Exhibit E states the percentage of any flavoring or coloring material.

(g) Rum. No label identifies any of the six products as rum. The Withdrawal Notice's reference to 8 V.I.C. §§ 102 through 105 is conditional, Ex. A at 6, and requires no response. Petitioners reserve their position on those provisions.

(h) Registration information and specimen filing. Without conceding that Section 152 applies (Objection 3), Petitioners note that the information the Withdrawal Notice lists under item I.5, Ex. A at 3–4, is already in the Department's records. The Alcohol Brand Registration Form that Petitioners filed on July 15, 2025, states the brand name, the products, and the manufacturer's name and complete address. Ex. C. The alcohol content of each product is stated on its label, and no wholesaler or importer is involved. As to item I.6, Petitioners filed the labels on July 1, 2025, and the amended labels on August 1, 2025. Ex. B at 1–12, 24–36. Petitioners will confirm or supplement any item the Department identifies.

OBJECTION 7. THE STATED BASIS FOR THE WITHDRAWAL IS UNSUPPORTED.

The Withdrawal Notice states that the August 12, 2025, statements "were made inadvertently and prematurely." Ex. A at 1. It does not state when, how, or by whom that was determined. The Alcohol Control Unit made the same statements, over the same signature, on July 16, 2025. The approvals stood for more than fourteen months, through seven citations, the proceeding of December 2, 2025, the Amended Decision and Order, and the order denying reconsideration of September 1, 2026, and both letters were before the Commissioner from August 8, 2026. Each matter the Withdrawal Notice identifies is directed to label text that was before the Alcohol Control Unit when it approved the labels filed on July 1, 2025, as Objection 5 shows. Petitioners ask that the Department produce the documents on which the determination of "inadvertence" rests.

Nor does the record support the statement that the August 12, 2025, communication was not issued "through the Department's established review and authorization channels." Ex. A at 1. The Department, not Petitioners, initiated the review: the Unit's Coordinator asked for the labels. The Unit's Alcohol Control Inspector communicated the "Label Approval" on July 2, 2025, with

copies to the Coordinator and a third member of the Unit. The Unit then required, and received, the Department's own Alcohol Brand Registration Form. The Coordinator issued the letter of July 16, 2025, on the Department's letterhead the day after the form was filed, in response to a request for "an official letter that permits us to sell." Ex. B at 21–23; Ex. C. The letter of August 12, 2025, issued after the Unit had received the amended labels and three follow-up inquiries over eleven days, and after the Coordinator wrote that he would "check on it." Ex. B at 24, 37–40. The Withdrawal Notice itself is issued by the Department "through its Alcohol Control Unit." Ex. A at 1. It does not identify the "established review and authorization channels" it says were bypassed or state where they are set out, and it does not explain why the Department's registration form, which the Unit required, neither mentions them nor calls for the formulation information the Withdrawal Notice now demands.

The Third Circuit has rejected an agency's attempt to treat the reversal of a prior approval as the correction of an inadvertent error. There, the agency had approved the provisions at issue and later "twice approved modifications to them," and the court held that "[a]n attempt to change a SIP thirteen years after its creation . . . cannot be exempted from procedural requirements on the grounds that it is the correction of a mistake." *Concerned Citizens of Bridesburg v. U.S. EPA*, 836 F.2d 777, 780 (3d Cir. 1987). The Circuit was not "persuaded by the EPA's reference to the revisions as 'corrections' and its reference to the original approvals as 'inadvertent,'" because "[w]e are not dealing here with typographical errors." *Id*. at 786. It also held that "[a]ny implicit authority to reconsider, however, must be limited by the original grant of authority." *Id*. The Withdrawal Notice does not contend that the Department lacked the power to approve the labels. It contends only that the approval did not pass through internal "review and authorization channels." Ex. A at 1. In a Virgin Islands case, the Third Circuit declined to revisit irregularities

of that kind once "the time for review of errors or irregularities which do not go to the jurisdiction of the Board has long since passed." *In re Hooper's Estate*, 359 F.2d 569, 574, 5 V.I. 518, 527 (3d Cir. 1966).

IV. RESERVATION OF FEDERAL CLAIMS

Petitioners are the plaintiffs in *Prosperity Farm NY LLC, et al. v. Hodge, et al.*, Case No. 3:26-cv-57 (D.V.I.), and will move for leave to file a First Amended and Supplemental Complaint asserting claims under 42 U.S.C. § 1983 that arise from the Withdrawal Notice. Petitioners file this Petition voluntarily and without waiver of any claim, defense, or position in that action. Petitioners do not submit to the Department any claim or question arising under the Constitution or laws of the United States. They reserve every such claim and question for determination by the District Court, and they refer to federal law in this Petition only to describe the grounds of their objections under territorial law. Petitioners inform the Department that they do not submit any federal claim or question for decision, that they will not litigate any such claim or question here, and that they reserve their right to have every such claim and question decided by the District Court. *See England v. La. State Bd. of Med. Exam'rs*, 375 U.S. 411, 421–22 (1964) ("When the reservation has been made, however, his right to return will in all events be preserved."). Petitioners ask that the Department decide this Petition on the written submissions and its own records.

V. RELIEF REQUESTED

Petitioners respectfully request that the Department:

(1) rescind the Withdrawal Notice and confirm that the approval conveyed by the letter of August 12, 2025, is in effect;

(2) pending its decision on this Petition and any review of that decision, suspend the effect of the Withdrawal Notice, and confirm in writing that Petitioners, and the retailers, restaurants, and bars that buy from them, may continue to sell the six products;

(3) confirm in writing that the letter of July 16, 2025, remains in effect;

(4) confirm in writing that the Withdrawal Notice is not an order to cease and desist and does not prohibit the sale of the six products by any person;

(5) before taking any further action concerning the labels, brands, or sale of the six products, give Petitioners written notice of the grounds and an opportunity to be heard on them before an impartial decision-maker;

(6) identify the official who determined that the August 12, 2025, approval was made "inadvertently and prematurely," the date of that determination, the statute, regulation, or delegation under which the Withdrawal Notice issued, and the "established review and authorization channels" to which it refers, and produce the documents on which the determination rests and any written procedure that defines those channels;

(7) hold in confidence, and use only for the purpose of this review, any formulation or production information Petitioners provide; and

(8) decide this Petition in writing, on the written submissions and the Department's records, within thirty days of its filing, stating the reasons for its decision.

Respectfully submitted,

/s/ Joseph A. DiRuzzo, III November 4, 2026

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Kevin A. Rames, Esq.
V.I. Bar No. 193
LAW OFFICES OF K. A. RAMES, P.C.
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Christiansted, St. Croix
U.S. Virgin Island 00820
Tel: (340) 773-7284
Fax: (340) 773-7282
kevin.rames@rameslaw.com

Counsel for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 4, 2026, I served this Petition and its Exhibits by email and by mail upon The Honorable H. Nathalie Hodge, Commissioner, Virgin Islands Department of Licensing and Consumer Affairs, 3000 Estate Golden Rock, Suite 9, Christiansted, St. Croix, U.S. Virgin Islands 00820, nathalie.hodge@dlca.vi.gov.

/s/ Kevin A. Rames, Esq.
Kevin A. Rames, Esq.

EXHIBITS

Exhibit A. Notice of Withdrawal of Inadvertent Approval, October 26, 2026

Exhibit B. Emails between Petitioners and the Alcohol Control Unit, July 1 to August 12, 2025, with the labels filed on July 1 and August 1, 2025, and the letter of August 12, 2025

Exhibit C. Alcohol Brand Registration Form, completed by RaisingCane NY LLC and filed July 15, 2025

Exhibit D. Letters of the Alcohol Control Unit dated July 16 and August 12, 2025 (Bates PF 000109 to 000110)

Exhibit E. Photographs of labels of spirits produced in the Territory by other producers

EXHIBIT A

Notice of Withdrawal of Inadvertent Approval, October 26, 2026

Government of the Virgin Islands
of the United States
Department of Licensing and Consumer Affairs

Golden Rock Shopping Center
3000 Estate Golden Rock, Suite 9
St. Croix, VI 00820-4311
Telephone: 340.713.3522

Administrative Complex
"The Battery"
St. John, VI 00830
Telephone: 340.727.3303

Property & Procurement Building
8201 Subbase, Suite 1
St. Thomas, VI 00802-5826
Telephone: 340.714.3522

October 26, 2026

Prosperity Farm NY LLC
Attn: RaisingCane NY LLC
180 Mahogany Road
St. Croix, U.S.V.I. 00840

RE: NOTICE OF WITHDRAWAL OF INADVERTENT APPROVAL; ALCOHOLIC BEVERAGE BRAND REGISTRATION AND LABEL COMPLIANCE REVIEW - CORRECTIONS AND ADDITIONAL INFORMATION REQUIRED

Dear Sir/Madam:

The Virgin Islands Department of Licensing and Consumer Affairs ("DLCA"), through its Alcohol Control Unit, writes concerning an August 12, 2025 communication regarding alcoholic beverage labels submitted by Prosperity Farm & Restaurant LLC / Prosperity Farm NY LLC for six products. That August 12, 2025 communication stated that the submitted labels were "approved" and that the listed items were "approved for sale in the United States Virgin Islands."

The Department has determined that those statements were made inadvertently and prematurely. The communication did not reflect a completed Department-level brand-registration and label-compliance review and was not issued or distributed through the Department's established review and authorization channels for final agency action.

Accordingly, DLCA hereby withdraws and rescinds in full any purported approval conveyed by the August 12, 2025 communication. Effective immediately, no approval arising from that communication is in effect. The August 12, 2025 communication must not be relied upon as authorization to sell, resell, distribute, offer for sale, or otherwise place the identified products into commerce in the U.S. Virgin Islands, nor may it be represented as final DLCA approval of the labels, brands, or trade names.

This withdrawal is an administrative correction and is not a final denial of the pending submissions. DLCA will complete its review upon receipt of the corrections and supporting information identified below.

The products subject to this notice are:

1. Allspice Dram - Sugar Cane Liqueur
2. Banana - Sugar Cane Liqueur
3. Ginger - Sugar Cane Liqueur
4. Mauby Amaro - Sugar Cane Liqueur

5. Sorrel Gin
6. Tropical Gin

The Department's review is governed by applicable provisions of Title 8 of the Virgin Islands Code and Title 8 of the Virgin Islands Rules and Regulations. Under 8 V.I.C. § 4, alcoholic beverages introduced into, manufactured in, sold in, or exported from the Virgin Islands must be truthfully labeled, and alcoholic beverages exceeding six percent alcohol by volume must state their alcoholic content.

Additionally, 8 V.I.C. § 152 requires the filing of specified information concerning the brand or trade name, brewer/distiller/manufacturer, authorized wholesaler or importer, and alcoholic content, where applicable, before the alcoholic beverage may be shipped, transported, received, delivered, sold, or offered for sale. The statute separately requires approval of the brand, trade name, or other distinctive characteristic.

The Department has identified the following matters that must be corrected or supplemented before the brand-registration and labeling-compliance review can be concluded.

I. COMMON CORRECTIONS APPLICABLE TO ALL SIX PRODUCTS

1. Net Contents

Each submitted label states the net contents as **"750 ml."**
8 VIRR § 2-10 provides that labels must plainly and conspicuously state the net contents of the bottle in quarts or pints, or fractions thereof, together with the alcoholic content by proof and the name and address of the applicable distiller, blender, maker, or importer.

Required Action:
Revise the label to state the net contents in a manner complying with 8 VIRR § 2-10, or provide legal/regulatory support establishing that the proposed metric-only designation satisfies the current applicable requirement.

2. Name and Address of Distiller, Blender, or Maker

The submitted labels identify: **"RaisingCane NY LLC, St. Croix, USVI."**
The Department requires confirmation that this information satisfies the name-and-address requirement of 8 VIRR § 2-10, which requires the name and address of the distiller, blender, maker, or applicable importer to appear plainly and conspicuously.

Required Action:
Provide the complete business address of RaisingCane NY LLC and revise the label accordingly, unless the applicant demonstrates that the existing designation satisfies the regulatory requirement.

3. Placement of Required Information
The submitted labels place the brand name, product identity, proof and net contents on the principal display panel, while the identity of RaisingCane NY LLC appears on the reverse panel. 8 VIRR § 2-6 specifies the information required on the brand label and establishes requirements governing the use of additional reverse labels.

Required Action:
Revise the label arrangement to comply with § 2-6 and § 2-10, including the proper placement of the required manufacturer/distiller/maker information, or provide a revised label configuration demonstrating compliance with the additional-label provisions.

4. St. Croix Origin and Distillation Claims
Each product bears geographic representations including:

- "Prosperity Farm – St. Croix – United States Virgin Islands";
- "Origin: St. Croix"; and
- a statement that the product was "farmed, fermented, distilled, blended and bottled on Prosperity Farm."

8 VIRR § 2-11 prohibits use of a geographical name or adjective in a manner that creates the impression that distilled spirits were distilled at the named location unless the spirits were actually distilled there.

Further, 8 VIRR § 2-4 requires labeling to fairly and accurately describe the kind, type, nature and origin of the distilled spirit and prohibits misleading statements, omissions, ambiguities or inferences.

Required Action:
Provide documentation establishing that the underlying cane spirit used in each product was distilled at the location represented on the label and that the statements concerning farming, fermentation, distillation, blending and bottling are accurate.

5. Complete Brand-Registration Information
The label specimens alone do not establish the complete administrative record required by 8 V.I.C. § 152.

Required Action:
For each product, provide or confirm:

- exact brand/trade name;
- brewer, distiller or manufacturer name;
- complete manufacturer address;
- authorized wholesaler, if applicable;
- authorized importer, if applicable;
- applicable address information;
- alcoholic content; and

- any other information required for registration under 8 V.I.C. § 152.

6. Label Filing Requirement
8 VIRR § 2-18 requires the applicable distiller, blender, maker or importer to file six specimens of labels, wrappers, devices or individual containers not less than ten days before initial sale or use, and also requires amendments to be filed. The regulation further provides that labels so filed are not expressly approved and that delay in objection does not constitute approval.

Required Action:
Confirm compliance with the specimen-filing and timing requirements of 8 VIRR § 2-18.

II. PRODUCT-SPECIFIC CORRECTIONS AND INFORMATION

A. ALLSPICE DRAM – SUGAR CANE LIQUEUR

The submitted label identifies the product as **"Allspice Dram – Sugar Cane Liqueur"** and states that "Allspice meets expertly distilled cane spirit."
8 VIRR § 2-5 provides that where a representation is made concerning the presence, excellence or other characteristic of an ingredient, the label must state the minimum percentage of that ingredient by volume in the manner prescribed by the regulation.
Required Action:

1. Provide the product formulation identifying the quantity or percentage of allspice and other flavoring ingredients.
2. Revise the label as necessary to comply with 8 VIRR § 2-5.
3. Address the common deficiencies identified in Section I above.

B. BANANA – SUGAR CANE LIQUEUR

The label prominently identifies the product as **"Banana – Sugar Cane Liqueur"** and represents that estate-grown bananas are used to create the liqueur.
This representation requires review under 8 VIRR § 2-5.
Required Action:

1. Provide the product formulation identifying the banana ingredient and percentage by volume.
2. Revise the label as necessary to satisfy § 2-5.
3. Address the common deficiencies identified in Section I above.

C. GINGER – SUGAR CANE LIQUEUR

The label identifies the product as **"Ginger – Sugar Cane Liqueur"** and expressly describes the product as containing ginger roots and craft-distilled cane spirit.
The ginger representation requires review under 8 VIRR § 2-5.
Required Action:

1. Provide the product formulation identifying the ginger content and percentage.
2. Revise the label as necessary to comply with § 2-5.
3. Address the common deficiencies identified in Section I above.

D. MAUBY AMARO – SUGAR CANE LIQUEUR

The label identifies the product as **"Mauby Amaro – Sugar Cane Liqueur"** and states that mauby bark is combined with handcrafted cane spirit.

The mauby representation requires review under 8 VIRR § 2-5. In addition, the Department requires sufficient formulation information to determine whether the product description "Mauby Amaro" and "Sugar Cane Liqueur" fairly and accurately describes the kind, type and nature of the distilled spirit under 8 VIRR § 2-4.

Required Action:

1. Provide the complete product formulation.
2. Identify the percentage or amount of mauby bark or mauby-derived ingredient.
3. Provide sufficient information to confirm the proper product classification.
4. Revise the label as necessary to comply with §§ 2-4 and 2-5.
5. Address the common deficiencies identified in Section I above.

E. SORREL GIN

The submitted label identifies the product as **"Sorrel Gin"**, "Distilled from Cane Spirit," Proof 90, and states that estate-grown sorrel is used in the product.

The sorrel representation requires review under 8 VIRR § 2-5.

Additionally, 8 VIRR § 2-16 requires distilled spirits other than cordials to indicate the presence of coloring, blending, smoothing or flavoring matter and, where the aggregate amount exceeds 2½ percent by volume, to identify the name and percentage of each such material.

Required Action:

1. Provide the complete product formulation.
2. Identify the sorrel content and percentage.
3. Identify any flavoring, coloring, blending or smoothing materials used.
4. State whether the aggregate quantity of such materials exceeds 2½ percent by volume.
5. Revise the label as necessary to comply with §§ 2-5 and 2-16.
6. Address the common deficiencies identified in Section I above.

F. TROPICAL GIN

The submitted label identifies the product as **"Tropical Gin"**, "Distilled from Cane Spirit," Proof 96, and states that the product is infused with "tropical botanicals."

The botanical representation requires review under 8 VIRR § 2-5, and the use of botanical flavoring materials requires evaluation under 8 VIRR § 2-16.

Required Action:

1. Provide the complete product formulation.
2. Identify the botanical ingredients used.
3. Provide applicable ingredient percentages.
4. Identify any additional flavoring, coloring, blending or smoothing materials.

5. State whether the aggregate amount of materials subject to § 2-16 exceeds 2½ percent by volume.
6. Revise the label as necessary to comply with §§ 2-5 and 2-16.
7. Address the common deficiencies identified in Section I above.

III. VIRGIN ISLANDS ORIGIN REPRESENTATIONS

The labels make repeated representations identifying the products with St. Croix and stating that fermentation and distillation occur on Prosperity Farm.

If any submitted product constitutes rum, or if the underlying spirit is represented as Virgin Islands rum, the applicant should also provide documentation sufficient to establish compliance with the Virgin Islands rum-production requirements.

Under 8 V.I.C. § 104, rum produced in the Virgin Islands may not bear a label stating that it was produced in the Virgin Islands unless it was produced from fermented juice whose first distillation occurred in the Virgin Islands. Where applicable, the Department may request additional documentation concerning compliance with 8 V.I.C. §§ 102–105.

IV. WITHDRAWAL OF PRIOR COMMUNICATION AND CURRENT STATUS

The August 12, 2025 communication is withdrawn in full. Any statement in that communication that the labels were approved or that the products were approved for sale has no continuing force or effect. At this time, DLCA is unable to conclude its label-compliance and brand-registration review for the six products identified above.

The current status is:

- **LABELS: RETURN FOR CORRECTION / ADDITIONAL INFORMATION REQUIRED BRAND REGISTRATION: NO APPROVAL CURRENTLY IN EFFECT / ADDITIONAL REVIEW REQUIRED.**

Consistent with 8 VIRR § 2-18, labels filed with the Department are not expressly approved, and delay in objection does not constitute approval. This Notice supersedes the August 12, 2025 communication and should not be construed as approval of any submitted label, brand, or trade name. Once the corrected labels and supporting documentation have been submitted, the Department will complete its review and, where appropriate, issue:

1. a determination of **No Objection to Label as Filed**; and
2. a separate determination concerning **approval of the applicable brand or trade name under 8 V.I.C. § 152**.

Nothing in this Notice constitutes authorization to manufacture, distill, blend, bottle, distribute, offer for sale, sell, or resell alcoholic beverages. Those activities remain subject to all applicable licensing requirements under Title 8 of the Virgin Islands Code, applicable Virgin Islands Rules and Regulations, and required federal permits.

Please submit the revised label specimens and supporting documentation to the DLCA Alcohol Control Unit for further review. Should you have any questions concerning the specific corrections requested above, do not hesitate to contact me at horace.graham@dlca.vi.gov.

Sincerely,

Horace W. Graham, Jr.
Assistant Commissioner

cc: H. Nathalie Hodge, Commissioner
Geraldine P. Vaval, Esq., General Counsel
Nicholas Francois, Coordinator Alcohol Control Unit

EXHIBIT B

Emails between Petitioners and the Alcohol Control Unit, July 1 to August 12, 2025, with the labels filed on July 1 and August 1, 2025, and the letter of August 12, 2025

[redacted] ---------- Forwarded message ---------
From: **Mark Gelband** <markgelband@gmail.com>
Date: Tue, Jul 1, 2025 at 4:27 PM
Subject: Fwd: Label design
To: <nicholas.francois@dlca.vi.gov>

---------- Forwarded message ---------
From: **Mark Gelband** <markgelband@gmail.com>
Date: Tue, Jul 1, 2025 at 4:26 PM
Subject: Fwd: Label design
To: <nicholas.francios@dlca.vi.gov>

---------- Forwarded message ---------
From: **Mark Gelband** <markgelband@gmail.com>
Date: Thu, Jun 19, 2025 at 5:58 PM
Subject: Fwd: Label design
To: Todd Berger <todd@bergerfohr.com>, Lucian Föhr <lucian@bergerfohr.com>

For descriptions that can be changed and for necessary info.

---------- Forwarded message ---------
From: **Nate Thompson** <nate@dissentingspirits.com>
Date: Thu, Jun 19, 2025 at 5:06 PM
Subject: Fwd: Label design
To: Mark Gelband <markgelband@gmail.com>

Nate Thompson
Consultant
Dissenting Spirits Professionals LLC
207-669-2687
nate@dissentingspirits.com
dissentingspirits.com

---------- Forwarded message ---------
From: **Dallas Osborne** <dallas@rumruin.com>
Date: Tue, Apr 29, 2025, 09:02
Subject: Re: Label design
To: Jason Cawthron <jason@dissentingspirits.com>, Nate Thompson <nate@dissentingspirits.com>

Hey. The upc didnt show up when i sent the pdf's. I went in and fixedthat issue. Use the pdf to print. JPG is not high res and is a proof file.

On Mon, Apr 28, 2025 at 7:04 PM Dallas Osborne <dallas@rumruin.com> wrote:

> See attached. PDF files would be prefered print file for them. I'd send both.
>
> On Mon, Apr 28, 2025 at 6:04 PM Jason Cawthron <jason@dissentingspirits.com> wrote:
>
> > Save with ginger
> >
> > On Mon, Apr 28, 2025, 6:02 PM Jason Cawthron <jason@dissentingspirits.com> wrote:
> >
> > > Hey the the banana should just say banana...
> > >
> > > And the art isn't removed.
> > >
> > > On Mon, Apr 28, 2025, 5:52 PM Dallas Osborne <dallas@rumruin.com> wrote:
> > >
> > > > Here you go. Please check for ANYTHING you all may not like or want to change before sending on.
> > > >
> > > > Thanks!
> > > >
> > > > On Mon, Apr 28, 2025 at 2:33 PM Dallas Osborne <dallas@rumruin.com> wrote:
> > > >
> > > > > On Mon, Apr 28, 2025 at 10:36 AM Dallas Osborne <dallas@rumruin.com> wrote:

- Allspice Dram.pdf
- Banana Liqueur.pdf
- Ginger Liqueur.pdf
- Mauby Amaro.pdf
- Sorrel Gin.pdf
- Tropical Gin.pdf

On Mon, Apr 28, 2025 at 9:30 AM Dallas Osborne <dallas@rumruin.com> wrote:

> changes made to gins. let me know on the 'bottled by' topic.
>
> On Mon, Apr 28, 2025 at 8:42 AM Dallas Osborne <dallas@rumruin.com> wrote:
>
> > Attached are the new proofs with upc codes assigned to each. I also changed the opacity of the background so the wording stands out a bit more. Added the 'legal company name' on the far left as he had it. Left off zip.
> >
> > On Mon, Apr 28, 2025 at 6:45 AM Nate Thompson <nate@dissentingspirits.com> wrote:
> >
> > > Shit, sorry Dallas, I fell asleep. It doesn't matter which one goes on what bottle, just needs to be a unique one. I'll assign them after.
> > >
> > > Nate Thompson
> > > Consultant
> > > Dissenting Spirits Professionals LLC
> > > 207-669-2687
> > > nate@dissentingspirits.com
> > > dissentingspirits.com
> > >
> > > On Sun, Apr 27, 2025, 23:26 Dallas Osborne <dallas@rumruin.com> wrote:
> > >
> > > > Hey. I can't tell which upc codes go on each product. There was a folder I downloaded with all of them and then a file that is numbered but has no name next to the numbers. Last step on this new version is to replace the barcode on there (it's an example)
> > > >
> > > > On Sun, Apr 27, 2025, 11:14 PM Dallas Osborne <dallas@rumruin.com> wrote:
> > > >
> > > > > Banana Liqueur attached
> > > > >
> > > > > On Sun, Apr 27, 2025 at 11:06 PM Dallas Osborne <dallas@rumruin.com> wrote:
> > > > >
> > > > > > Hey Guys, take a look at these. Read over them and let me know if spelling and info is all good. I copied most of it from emails. Also, I needto go through and add barcodes, this one is just an example from an old project. I can change a color etc if you have suggestions. Woking on the other version now.
> > > > > >
> > > > > > On Sat, Apr 26, 2025 at 5:22 PM Jason Cawthron <jason@dissentingspirits.com> wrote:
> > > > > >
> > > > > > > A production season in cane juice rum is traditionally referred to as a campaign.
> > > > > > >
> > > > > > > Maybe,
> > > > > > >
> > > > > > > First Campaign
> > > > > > > Founding Release
> > > > > > > Premier Launch
> > > > > > >
> > > > > > > On Sat, Apr 26, 2025, 5:11 PM Jason Cawthron <jason@dissentingspirits.com> wrote:

Maybe "First Harvest"?

On Sat, Apr 26, 2025, 3:04 PM Nate Thompson <nate@dissentingspirits.com> wrote:

> Bob wants some kind of verbiage that says this is the inaugural/launch spirit label in case he decides he wants to change the branding later.
>
> Nate Thompson
> Consultant
> Dissenting Spirits Professionals LLC
> 207-669-2687
> nate@dissentingspirits.com
> dissentingspirits.com
>
> On Sat, Apr 26, 2025, 13:53 Jason Cawthron <jason@dissentingspirits.com> wrote:
>
> > Farmed, fermented, distilled, blended and bottled on Prosperity Farm by Raising Cane St. Croix USVI
> >
> > On Sat, Apr 26, 2025 at 8:20 AM Nate Thompson <nate@dissentingspirits.com> wrote:
> >
> > > Spec sheet attached.
> > >
> > > Nate Thompson
> > > Consultant
> > > Dissenting Spirits Professionals LLC
> > > 207-669-2687
> > > nate@dissentingspirits.com
> > > dissentingspirits.com
> > >
> > > On Fri, Apr 25, 2025, 23:17 Jason Cawthron <jason@dissentingspirits.com> wrote:
> > >
> > > > Farmed, fermented, distilled, blended and bottled by Raising Cane St. Croix USVI
> > > >
> > > > On Fri, Apr 25, 2025, 4:59 PM Jason Cawthron <jason@dissentingspirits.com> wrote:
> > > >
> > > > > Here are all the updated back label stories:
> > > > >
> > > > > **Tropical Gin**
> > > > > Crafted from single estate-grown cane spirit and infused with tropical botanicals. This vibrant, smooth gin captures the essence of St. Croix with every sip—an elevated tropical experience unlike any other.
> > > > >
> > > > > **Sorrel Gin**
> > > > > Our single estate-grown cane spirit meets bold, vibrant sorrel, crafting a harmonious blend of flavors. A celebration of St. Croix's heritage in every bottle.
> > > > >
> > > > > **Ginger Liqueur**
> > > > > A warm blend of ginger roots and craft-distilled cane spirit. Smooth, aromatic, and unforgettable, this liqueur radiates the earthy spice of St. Croix.

Mauby Amaro
Experience the bold bitterness of mauby bark, perfectly paired with handcrafted cane spirit. This amaro balances earthy sweetness with herbal complexity, offering a refined, bittersweet finish rooted in tradition and the spirit of St. Croix.

Allspice Dram
Allspice meets expertly distilled cane spirit in this rich and aromatic dram. Each sip conjures the warm allure of St. Croix's craft-driven heritage.

Cyrille's Banana Liqueur
Handcrafted cane spirit meets estate-grown bananas to create this luscious liqueur. Bold yet smooth, it embodies the vibrant flavors and unparalleled craft of St. Croix.

Also, apparently we will use the dark bottle for the banana, allspice, ginger and mauby. so only the gin in clear.

On Fri, Apr 25, 2025 at 10:49 AM Jason Cawthron <jason@dissentingspirits.com> wrote:

> Packaging Design Document
> Brand: Prosperity Farm, St. Croix
> Products:
> - Tropical Gin (48% ABV)
> - Sorrel Gin (45% ABV)
> - Ginger Liqueur (40% ABV)
> - Mauby Amaro (40% ABV)
> - Allspice Dram (40% ABV)
> - Cyril's Banana Liqueur (40% ABV)
>
> Bottle Design
> - Material: Glass (uniform shape for all products).
> - Color Variations:
> - Mauby Amaro: Brown glass bottle.
> - All other products: Clear glass bottles.
>
> Label Design Concept
> Inspiration:
> 1. Design Elements from Rum J.M & The Heaven Hill Scotland Rum Barrel:
> Labels will draw inspiration from the artistic and heritage-focused designs of these products. Elements like elegant typography, clean lines, and layered details will be integrated to enhance the brand's premium and authentic feel.
>
> 2. Heritage Focus:

Each label will incorporate segments of the old-time painting of Prosperity Farm, uniquely tailored for each product.

Transparency Technique:
Opacity will be used to layer product-specific details over the artwork. The design will balance clarity and visual depth, ensuring essential information is easy to read while preserving the artistic aesthetic.

Product Differentiation
- Tropical Gin: A vibrant, tropical color palette to reflect its botanical character.
- Sorrel Gin: Rich red accents that echo the boldness of sorrel.
- Ginger Liqueur: Golden and warm hues to capture its spicy essence.
- Mauby Amaro: Earthy, natural tones that complement the brown bottle.
- Allspice Dram: Warm, spiced tones with subtle imagery reflecting its aromatic profile.
- Cyrille's Banana Liqueur: Playful yet elegant with soft yellow accents representing ripe bananas.

Packaging as a Collectible Series
Each label will showcase a distinct portion of the Prosperity Farm painting, encouraging collectors to assemble the full set for a complete visual story.

Does this align with your vision? Let me know if you'd like further refinements!

Allspice meets expertly distilled cane spirit in this rich and aromatic dram. Each sip conjures the warm allure of St. Croix's craft-driven heritage.

Farmed, fermented, distilled, blended and bottled on Prosperity Farm by RaisingCane NY LLC, St. Croix, USVI



GOVERNMENT WARNING: (1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS

FOUNDING RELEASE

PROSPERITY FARM

St Croix
United States Virgin Islands

Allspice Dram

SUGAR CANE LIQUEUR

Origin: St. Croix
Distillation: Rectifying Column

Volume: 750ml Proof: 80

Handcrafted cane spirit meets estate-grown bananas to create this luscious liqueur. Bold yet smooth, it embodies the vibrant flavors and unparalleled craft of St. Croix.

Farmed, fermented, distilled, blended and bottled on Prosperity Farm by RaisingCane NY LLC, St. Croix, USVI

7 35380 09189 7

GOVERNMENT WARNING: (1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS

FOUNDING RELEASE

PROSPERITY FARM

St Croix
United States Virgin Islands

Banana

SUGAR CANE LIQUEUR

Origin: St. Croix
Distillation: Rectifying Column

Volume: 750ml Proof: 90

A warm blend of ginger roots and craft-distilled cane spirit. Smooth, aromatic, and unforgettable, this liqueur radiates the earthy spice of St. Croix.

Farmed, fermented, distilled, blended and bottled on Prosperity Farm by RaisingCane NY LLC, St. Croix, USVI

7 35380 18574 9

GOVERNMENT WARNING: (1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS

FOUNDING RELEASE

PROSPERITY FARM

St Croix
United States Virgin Islands

Ginger

SUGAR CANE LIQUEUR

Origin: St. Croix
Distillation: Rectifying Column

Volume: 750ml Proof: 80

Experience the bold bitterness of mauby bark, perfectly paired with handcrafted cane spirit. This amaro balances earthy sweetness with herbal complexity, offering a refined, bittersweet finish rooted in tradition and the spirit of St. Croix.

Farmed, fermented, distilled, blended and bottled on Prosperity Farm by RaisingCane NY LLC, St. Croix, USVI

7 35380 02782 7

GOVERNMENT WARNING: (1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS

FOUNDING RELEASE

PROSPERITY FARM

St Croix
United States Virgin Islands

Mauby Amaro

SUGAR CANE LIQUEUR

Origin: St. Croix
Distillation: Rectifying Column

Volume: 750ml Proof: 80

Our single estate-grown cane spirit meets bold, vibrant sorrel, crafting a harmonious blend of flavors. A celebration of St. Croix's heritage in every bottle.

Farmed, fermented, distilled, blended and bottled on Prosperity Farm by RaisingCane NY LLC, St. Croix, USVI

7 35380 13233 0

GOVERNMENT WARNING: (1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS

FOUNDING RELEASE

PROSPERITY FARM

St Croix
United States Virgin Islands

Sorrel Gin

DISTILLED FROM CANE SPIRIT

Origin: St. Croix
Distillation: Rectifying Column

Volume: 750ml Proof: 90

Crafted from single estate-grown cane spirit and infused with tropical botanicals. This vibrant, smooth gin captures the essence of St. Croix with every sip—an elevated tropical experience unlike any other

Farmed, fermented, distilled, blended and bottled on Prosperity Farm by RaisingCane NY LLC, St. Croix, USVI

7 35380 15412 7

GOVERNMENT WARNING: (1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS

FOUNDING RELEASE

PROSPERITY FARM

St Croix
United States Virgin Islands

Tropical Gin

DISTILLED FROM CANE SPIRIT

Origin: St. Croix
Distillation: Rectifying Column

Volume: 750ml Proof: 96

[redacted]

---------- Forwarded message ---------
From: **Nicholas Francois** <nicholas.francois@dlca.vi.gov>
Date: Wed, Jul 2, 2025 at 8:04 AM
Subject: Re: [EXTERNAL MAIL] Fwd: Label design
To: Mark Gelband <markgelband@gmail.com>

Got it Thanks

From: Mark Gelband <markgelband@gmail.com>
Sent: Tuesday, July 1, 2025 4:27 PM
To: Nicholas Francois <nicholas.francois@dlca.vi.gov>
Subject: [EXTERNAL MAIL] Fwd: Label design

You don't often get email from markgelband@gmail.com. Learn why this is important

---------- Forwarded message ---------
From: **Mark Gelband** <markgelband@gmail.com>
Date: Tue, Jul 1, 2025 at 4:26 PM
Subject: Fwd: Label design
To: <nicholas.francios@dlca.vi.gov>

---------- Forwarded message ---------
From: **Mark Gelband** <markgelband@gmail.com>
Date: Thu, Jun 19, 2025 at 5:58 PM
Subject: Fwd: Label design
To: Todd Berger <todd@bergerfohr.com>, Lucian Föhr <lucian@bergerfohr.com>

For descriptions that can be changed and for necessary info.

---------- Forwarded message ---------
From: **Nate Thompson** <nate@dissentingspirits.com>
Date: Thu, Jun 19, 2025 at 5:06 PM
Subject: Fwd: Label design
To: Mark Gelband <markgelband@gmail.com>

Nate Thompson
Consultant
Dissenting Spirits Professionals LLC
207-669-2687
nate@dissentingspirits.com
dissentingspirits.com

---------- Forwarded message ---------
From: **Dallas Osborne** <dallas@rumruin.com>
Date: Tue, Apr 29, 2025, 09:02
Subject: Re: Label design
To: Jason Cawthron <jason@dissentingspirits.com>, Nate Thompson <nate@dissentingspirits.com>

Hey. The upc didnt show up when i sent the pdf's. I went in and fixedthat issue. Use the pdf to print. JPG is not high res and is a proof file.

On Mon, Apr 28, 2025 at 7:04 PM Dallas Osborne <dallas@rumruin.com> wrote:

> See attached. PDF files would be prefered print file for them. I'd send both.
>
> On Mon, Apr 28, 2025 at 6:04 PM Jason Cawthron <jason@dissentingspirits.com> wrote:
>
> > Save with ginger
> >
> > On Mon, Apr 28, 2025, 6:02 PM Jason Cawthron <jason@dissentingspirits.com> wrote:
> >
> > > Hey the the banana should just say banana...
> > >
> > > And the art isn't removed.
> > >
> > > On Mon, Apr 28, 2025, 5:52 PM Dallas Osborne <dallas@rumruin.com> wrote:
> > >
> > > > Here you go. Please check for ANYTHING you all may not like or want to change before sending on.
> > > >
> > > > Thanks!
> > > >
> > > > On Mon, Apr 28, 2025 at 2:33 PM Dallas Osborne <dallas@rumruin.com> wrote:
> > > >
> > > > > On Mon, Apr 28, 2025 at 10:36 AM Dallas Osborne <dallas@rumruin.com> wrote:

Allspice Dram.pdf

Banana Liqueur.pdf

Ginger Liqueur.pdf

Mauby Amaro.pdf

Sorrel Gin.pdf

Tropical Gin.pdf

On Mon, Apr 28, 2025 at 9:30 AM Dallas Osborne <dallas@rumruin.com> wrote:

changes made to gins. let me know on the 'bottled by' topic.

On Mon, Apr 28, 2025 at 8:42 AM Dallas Osborne <dallas@rumruin.com> wrote:

Attached are the new proofs with upc codes assigned to each. I also changed the opacity of the background so the wording stands out a bit more. Added the 'legal company name' on the far left as he had it. Left off zip.

On Mon, Apr 28, 2025 at 6:45 AM Nate Thompson <nate@dissentingspirits.com> wrote:

Shit, sorry Dallas, I fell asleep. It doesn't matter which one goes on what bottle, just needs to be a unique one. I'll assign them after.

Nate Thompson
Consultant
Dissenting Spirits Professionals LLC
207-669-2687
nate@dissentingspirits.com
dissentingspirits.com

On Sun, Apr 27, 2025, 23:26 Dallas Osborne <dallas@rumruin.com> wrote:

Hey. I can't tell which upc codes go on each product. There was a folder I downloaded with all of them and then a file that is numbered but has no name next to the numbers. Last step on this new version is to replace the barcode on there (it's an example)

On Sun, Apr 27, 2025, 11:14 PM Dallas Osborne <dallas@rumruin.com> wrote:

Banana Liqueur attached

On Sun, Apr 27, 2025 at 11:06 PM Dallas Osborne <dallas@rumruin.com> wrote:

Hey Guys, take a look at these. Read over them and let me know if spelling and info is all good. I copied most of it from emails. Also, I needto go through and add barcodes, this one is just an example from an old project. I can change a color etc if you have suggestions. Woking on the other version now.

On Sat, Apr 26, 2025 at 5:22 PM Jason Cawthron <jason@dissentingspirits.com> wrote:

A production season in cane juice rum is traditionally referred to as a campaign.

Maybe,

First Campaign
Founding Release
Premier Launch

On Sat, Apr 26, 2025, 5:11 PM Jason Cawthron <jason@dissentingspirits.com> wrote:

> Maybe "First Harvest"?
>
> On Sat, Apr 26, 2025, 3:04 PM Nate Thompson <nate@dissentingspirits.com> wrote:
>
> > Bob wants some kind of verbiage that says this is the inaugural/launch spirit label in case he decides he wants to change the branding later.
> >
> > Nate Thompson
> > Consultant
> > Dissenting Spirits Professionals LLC
> > 207-669-2687
> > nate@dissentingspirits.com
> > dissentingspirits.com
> >
> > On Sat, Apr 26, 2025, 13:53 Jason Cawthron <jason@dissentingspirits.com> wrote:
> >
> > > Farmed, fermented, distilled, blended and bottled on Prosperity Farm by Raising Cane St. Croix USVI
> > >
> > > On Sat, Apr 26, 2025 at 8:20 AM Nate Thompson <nate@dissentingspirits.com> wrote:
> > >
> > > > Spec sheet attached.
> > > >
> > > > Nate Thompson
> > > > Consultant
> > > > Dissenting Spirits Professionals LLC
> > > > 207-669-2687
> > > > nate@dissentingspirits.com
> > > > dissentingspirits.com
> > > >
> > > > On Fri, Apr 25, 2025, 23:17 Jason Cawthron <jason@dissentingspirits.com> wrote:
> > > >
> > > > > Farmed, fermented, distilled, blended and bottled by Raising Cane St. Croix USVI
> > > > >
> > > > > On Fri, Apr 25, 2025, 4:59 PM Jason Cawthron <jason@dissentingspirits.com> wrote:
> > > > >
> > > > > > Here are all the updated back label stories:
> > > > > >
> > > > > > **Tropical Gin**
> > > > > > Crafted from single estate-grown cane spirit and infused with tropical botanicals. This vibrant, smooth gin captures the essence of St. Croix with every sip—an elevated tropical experience unlike any other.

Sorrel Gin
Our single estate-grown cane spirit meets bold, vibrant sorrel, crafting a harmonious blend of flavors. A celebration of St. Croix's heritage in every bottle.

Ginger Liqueur
A warm blend of ginger roots and craft-distilled cane spirit. Smooth, aromatic, and unforgettable, this liqueur radiates the earthy spice of St. Croix.

Mauby Amaro
Experience the bold bitterness of mauby bark, perfectly paired with handcrafted cane spirit. This amaro balances earthy sweetness with herbal complexity, offering a refined, bittersweet finish rooted in tradition and the spirit of St. Croix.

Allspice Dram
Allspice meets expertly distilled cane spirit in this rich and aromatic dram. Each sip conjures the warm allure of St. Croix's craft-driven heritage.

Cyrille's Banana Liqueur
Handcrafted cane spirit meets estate-grown bananas to create this luscious liqueur. Bold yet smooth, it embodies the vibrant flavors and unparalleled craft of St. Croix.

Also, apparently we will use the dark bottle for the banana, allspice, ginger and mauby. so only the gin in clear.

On Fri, Apr 25, 2025 at 10:49 AM Jason Cawthron <jason@dissentingspirits.com> wrote:

> Packaging Design Document
> Brand: Prosperity Farm, St. Croix
> Products:
> - Tropical Gin (48% ABV)
> - Sorrel Gin (45% ABV)
> - Ginger Liqueur (40% ABV)
> - Mauby Amaro (40% ABV)
> - Allspice Dram (40% ABV)
> - Cyril's Banana Liqueur (40% ABV)
>
> Bottle Design
> - Material: Glass (uniform shape for all products).
> - Color Variations:
> - Mauby Amaro: Brown glass bottle.
> - All other products: Clear glass bottles.
>
> Label Design Concept

Inspiration:
1. Design Elements from Rum J.M & The Heaven Hill Scotland Rum Barrel:
Labels will draw inspiration from the artistic and heritage-focused designs of these products. Elements like elegant typography, clean lines, and layered details will be integrated to enhance the brand's premium and authentic feel.

2. Heritage Focus:
Each label will incorporate segments of the old-time painting of Prosperity Farm, uniquely tailored for each product.

Transparency Technique:
Opacity will be used to layer product-specific details over the artwork. The design will balance clarity and visual depth, ensuring essential information is easy to read while preserving the artistic aesthetic.

Product Differentiation
- Tropical Gin: A vibrant, tropical color palette to reflect its botanical character.
- Sorrel Gin: Rich red accents that echo the boldness of sorrel.
- Ginger Liqueur: Golden and warm hues to capture its spicy essence.
- Mauby Amaro: Earthy, natural tones that complement the brown bottle.
- Allspice Dram: Warm, spiced tones with subtle imagery reflecting its aromatic profile.
- Cyrille's Banana Liqueur: Playful yet elegant with soft yellow accents representing ripe bananas.

Packaging as a Collectible Series
Each label will showcase a distinct portion of the Prosperity Farm painting, encouraging collectors to assemble the full set for a complete visual story.

Does this align with your vision? Let me know if you'd like further refinements!

Caution: This e-mail has originated outside of GVI network. Do not click on links or open any attachment (s) that might look suspicious unless you have knowledge of who the sender is.

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[redacted]

---------- Forwarded message ---------
From: **Shenelle Bartlett-Benjamin** <shenelle.bartlett@dlca.vi.gov>
Date: Wed, Jul 2, 2025 at 9:34 AM
Subject: Label Approval
To: markgelband@gmail.com <markgelband@gmail.com>
Cc: Anisha Industrious <anisha.industrious@dlca.vi.gov>, Nicholas Francois <nicholas.francois@dlca.vi.gov>

Good Morning,

Please see approved labels. Attached is a registration form that should be filled out and submitted at your earliest convenience.

Shenelle Bartlett-Benjamin

Department of Licensing and Consumer Affairs
Alcohol Control Inspector
Telephone: (340) 714-1125
Email: shenelle.bartlett@dlca.vi.gov
Website: www.dlca.vi.gov

The information contained in this communication, and in any accompanying documents, may constitute confidential or proprietary. If you are not the intended recipient of this message, then you may not disclose, print, copy, or disseminate this information, nor take any action in reliance on this information. If you have received this communication in error, please reply and notify the sender (only) and then delete the message. Unauthorized interception of e-mail communications is a violation of federal criminal law.

[redacted]

[redacted]

---------- Forwarded message ---------
From: **Mark Gelband** <markgelband@gmail.com>
Date: Tue, Jul 15, 2025 at 1:06 PM
Subject: Registration
To: <shenelle.bartlett@dlca.vi.gov

Thought I had already sent. Forgive my slowness.

Sent from my pet rock

[redacted]

---------- Forwarded message ----------
From: **Nicholas Francois** <nicholas.francois@dlca.vi.gov>
Date: Wed, Jul 16, 2025 at 5:02 PM
Subject: Re: [EXTERNAL MAIL] Thank you both
To: Mark Gelband <markgelband@gmail.com>, Shenelle Bartlett-Benjamin <shenelle.bartlett@dlca.vi.gov>

Thank you! You too!

From: Mark Gelband <markgelband@gmail.com>
Sent: Wednesday, July 16, 2025 4:51 PM
To: Nicholas Francois <nicholas.francois@dlca.vi.gov>; Shenelle Bartlett-Benjamin <shenelle.bartlett@dlca.vi.gov>
Subject: [EXTERNAL MAIL] Thank you both

Have a great evening. Appreciate your help.

Kindness,

Mark

---------- Forwarded message ----------
From: **Nicholas Francois** <nicholas.francois@dlca.vi.gov>
Date: Wed, Jul 16, 2025 at 1:10 PM
Subject: Re: [EXTERNAL MAIL] Registration
To: Mark Gelband <markgelband@gmail.com>

Yes, I do I will have it done

Get Outlook for iOS

From: Mark Gelband <markgelband@gmail.com>
Sent: Wednesday, July 16, 2025 1:09:08 PM
To: Shenelle Bartlett-Benjamin <shenelle.bartlett@dlca.vi.gov>; Nicholas Francois <nicholas.francois@dlca.vi.gov>
Subject: Re: [EXTERNAL MAIL] Registration

Good morning,

We have retailers that want to stock and sell our products. Do you have an official letter that permits us to sell as discussed?

Thank you,

Mark

[redacted]

---------- Forwarded message ---------
From: **Mark Gelband** <markgelband@gmail.com>
Date: Fri, Aug 1, 2025 at 11:28 AM
Subject: Fwd: Prosperity Farm Distillery Labels v2
To: Nicholas Francois <nicholas.francois@dlca.vi.gov>, Shenelle Bartlett-Benjamin <shenelle.bartlett@dlca.vi.gov>

Good morning Nicholas -

We are changing our label design slightly (see Attached). All the products and the UPCs are the same. Just a change in the label appearance.

Can we get these labels approved ASAP as well?

Thank you,

Mark
303-522-1192



Allspice meets expertly-distilled cane spirit in this rich and aromatic dram. Each sip conjures the warm allure of St. Croix's craft-driven heritage.

Farmed, fermented, distilled, blended, and bottled at Prosperity Farm Distillery, St. Croix, U.S. Virgin Islands

7 35380 18574 9

GOVERNMENT WARNING: (1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS

80 proof/750 ml

PROSPERITY

FARM DISTILLERY



ALLSPICE DRAM

80 PROOF

SMALL-BATCH, HANDCRAFTED FROM
LOCALLY GROWN SUGARCANE

FREDERIKSTED, ST. CROIX



Handcrafted cane spirit meets estate-grown bananas to create this luscious liqueur. Bold yet smooth, it embodies the vibrant flavors and unparalleled craft of St. Croix.

Farmed, fermented, distilled, blended, and bottled at Prosperity Farm Distillery, St. Croix, U.S. Virgin Islands

7 35380 18574 9

GOVERNMENT WARNING: (1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS

80 proof/750 ml

PROSPERITY

FARM DISTILLERY



BANANA LIQUEUR

80 PROOF

SMALL-BATCH, HANDCRAFTED FROM LOCALLY GROWN SUGARCANE

FREDERIKSTED, ST. CROIX



A warm blend of ginger roots and craft-distilled cane spirit. Smooth, aromatic, and unforgettable, this liqueur radiates the earthy spice of St. Croix.

Farmed, fermented, distilled, blended, and bottled at Prosperity Farm Distillery, St. Croix, U.S. Virgin Islands

7 35380 18574 9

GOVERNMENT WARNING: (1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS

80 proof/750 ml

PROSPERITY

FARM DISTILLERY



GINGER LIQUEUR

80 PROOF

SMALL-BATCH, HANDCRAFTED FROM LOCALLY GROWN SUGARCANE

FREDERIKSTED, ST. CROIX



Experience the bold bitterness of mauby bark, perfectly paired with handcrafted cane spirit. This amaro balances earthy sweetness with herbal complexity, offering a refined, bittersweet finish rooted in tradition and the spirit of St. Croix.

Farmed, fermented, distilled, blended, and bottled at Prosperity Farm Distillery, St. Croix, U.S. Virgin Islands

7 35380 18574 9

GOVERNMENT WARNING: (1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS

80 proof/750 ml

PROSPERITY

FARM DISTILLERY



MAUBY AMARO

80 PROOF

SMALL-BATCH, HANDCRAFTED FROM LOCALLY GROWN SUGARCANE

FREDERIKSTED, ST. CROIX



Our single-estate-grown cane spirit meets bold, vibrant sorrel, crafting a harmonious blend of flavors. A celebration of St. Croix's heritage in every bottle.

Farmed, fermented, distilled, blended, and bottled at Prosperity Farm Distillery, St. Croix, U.S. Virgin Islands

7 35380 18574 9

GOVERNMENT WARNING: (1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS

94 proof/750 ml

PROSPERITY

FARM DISTILLERY



SORREL GIN

94 PROOF

SMALL-BATCH, HANDCRAFTED FROM LOCALLY GROWN SUGARCANE

FREDERIKSTED, ST. CROIX



Crafted from single-estate-grown cane spirit and infused with tropical botanicals. This vibrant, smooth gin captures the essence of St. Croix with every sip - an elevated, tropical experience unlike any other.

Farmed, fermented, distilled, blended, and bottled at Prosperity Farm Distillery, St. Croix, U.S. Virgin Islands

7 35380 18574 9

GOVERNMENT WARNING: (1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS

90 proof/750 ml

PROSPERITY

FARM DISTILLERY



TROPICAL GIN

90 PROOF

SMALL-BATCH, HANDCRAFTED FROM LOCALLY GROWN SUGARCANE

FREDERIKSTED, ST. CROIX

[redacted]

---------- Forwarded message ----------
From: **Mark Gelband** <markgelband@gmail.com>
Date: Mon, Aug 4, 2025 at 3:22 PM
Subject: Re: Prosperity Farm Distillery Labels v2
To: Nicholas Francois <nicholas.francois@dlca.vi.gov>, Shenelle Bartlett-Benjamin <shenelle.bartlett@dlca.vi.gov>

Good morning.

Just checking in.

On Fri, Aug 1, 2025 at 11:28 AM Mark Gelband <markgelband@gmail.com> wrote:

> Good morning Nicholas -
>
> We are changing our label design slightly (see Attached). All the products and the UPCs are the same. Just a change in the label appearance.
>
> Can we get these labels approved ASAP as well?
>
> Thank you,
>
> Mark

[redacted]

[redacted]

---------- Forwarded message ----------
From: **Mark Gelband** <markgelband@gmail.com>
Date: Wed, Aug 6, 2025 at 3:11 PM
Subject: Checking in on the updated labels
To: Shenelle Bartlett-Benjamin <shenelle.bartlett@dlca.vi.gov>, Nicholas Francois <nicholas.francois@dlca.vi.gov>

Preview attachment PDF-Labels-7-23-25.zip



PDF-Labels-7-23-25.zip
16 MB

Again, these are all the same products and UPCs, just the art on the labels have changed a bit.

[redacted]

[redacted]

---------- Forwarded message ----------
From: **Mark Gelband** <markgelband@gmail.com>
Date: Fri, Aug 8, 2025 at 3:15 PM
Subject: Following up on the new label design?
To: Nicholas Francois <nicholas.francois@dlca.vi.gov>, Shenelle Bartlett-Benjamin <shenelle.bartlett@dlca.vi.gov>

Nicholas - Hope you are having a great vacation with your family. Still have not heard back on new labels.

[redacted]

[redacted]

---------- Forwarded message ----------
From: **Nicholas Francois** <nicholas.francois@dlca.vi.gov>
Date: Mon, Aug 11, 2025 at 11:42 AM
Subject: Re: [EXTERNAL MAIL] Following up on the new label design?
To: Mark Gelband <markgelband@gmail.com>, Shenelle Bartlett-Benjamin <shenelle.bartlett@dlca.vi.gov>

I will check on it.

From: Mark Gelband <markgelband@gmail.com>
Sent: Friday, August 8, 2025 11:15 AM
To: Nicholas Francois <nicholas.francois@dlca.vi.gov>; Shenelle Bartlett-Benjamin <shenelle.bartlett@dlca.vi.gov>
Subject: [EXTERNAL MAIL] Following up on the new label design?

Nicholas - Hope you are having a great vacation with your family. Still have not heard back on new labels.

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[redacted]

[redacted]

---------- Forwarded message ----------
From: **Mark Gelband** <markgelband@gmail.com>
Date: Mon, Aug 11, 2025 at 12:14 PM
Subject: Re: [EXTERNAL MAIL] Following up on the new label design?
To: Nicholas Francois <nicholas.francois@dlca.vi.gov>
Cc: Shenelle Bartlett-Benjamin <shenelle.bartlett@dlca.vi.gov>

Thank you.

On Mon, Aug 11, 2025 at 7:42 AM Nicholas Francois <nicholas.francois@dlca.vi.gov> wrote:

> I will check on it.

Government of the Virgin Islands
Of the United States
Department of Licensing and Consumer Affairs

Golden Rock Shopping Center
3000 Estate Golden Rock, Suite 9
St. Croix, VI 00820-4311
Telephone: 340.713.DLCA (3522)
Facsimile: 340.713.6982

Administrative Complex
" The Battery"
St. John, VI 00830
Telephone: 340.693.8036
Facsimile: 340.776.6989

Property & Procurement Building
8201 Subbase, Suite 1
St. Thomas, VI 00802-5826
Telephone: 340.714.DLCA (3522)
Facsimile: 340.776.8303

August 12, 2025

Upon review of the following labels submitted by Prosperity Farm & Restaurant LLC the Department of Licensing and Consumer Affairs Alcohol Unit hereby approves the following labels:

- Allspice Dram
- Banana
- Ginger
- Mauby Amaro
- Sorrel Gin
- Tropical Gin

These items are approved for sale in the United States Virgin Islands.

If you have any questions, please feel free to reach out to the Alcohol Unit at (340) 714-3522 ext.3244 or (340) 725-6068.

Thank you,

Sincerely,

Nicholas Francois

Alcohol Control Unit Coordinator

[redacted]

---------- Forwarded message ----------
From: **Shenelle Bartlett-Benjamin** <shenelle.bartlett@dlca.vi.gov>
Date: Tue, Aug 12, 2025 at 4:52 PM
Subject: Re: [EXTERNAL MAIL] Checking in on the updated labels
To: Mark Gelband <markgelband@gmail.com>, Nicholas Francois <nicholas.francois@dlca.vi.gov>

Good Afternoon,

Please see attached label approval.

Shenelle Bartlett-Benjamin

Department of Licensing and Consumer Affairs
Alcohol Control Inspector
Telephone: (340) 714-1125
Email: shenelle.bartlett@dlca.vi.gov
Website: www.dlca.vi.gov

From: Mark Gelband <markgelband@gmail.com>
Sent: Wednesday, August 6, 2025 11:11 AM

To: Shenelle Bartlett-Benjamin <shenelle.bartlett@dlca.vi.gov>; Nicholas Francois <nicholas.francois@dlca.vi.gov>
Subject: [EXTERNAL MAIL] Checking in on the updated labels

Preview attachment PDF-Labels-7-23-25.zip



PDF-Labels-7-23-25.zip
16 MB

Again, these are all the same products and UPCs, just the art on the labels have changed a bit.

EXHIBIT C

Alcohol Brand Registration Form, completed by RaisingCane NY LLC and filed July 15, 2025

Government of the Virgin Islands
Of the United States

Department of Licensing and Consumer Affairs

Golden Rock Shopping Center
3000 Estate Golden Rock, Suite 9
St. Croix, VI 00820-4311
Telephone: 340.713.DLCA (3522)
Facsimile: 340.713.6982

Administrative Complex
"The Battery"
St. John, VI 00830
Telephone: 340.693.8036
Facsimile: 340.776.6989

Property & Procurement Building
8201 Subbase, Suite 1
St. Thomas, VI 00802-5826
Telephone: 340.714.DLCA (3522)
Facsimile: 340.776.8303

Alcohol Brand Registration Form

Date of Application: 7-2-2025
Applicant Name: ~~[illegible]~~ MARK GALLOWAY
Business Name: RAISIN CANE LLC
Business Address: 160 MAHOGANY RD FREDERIKSTED 00840
Contact Number: 303-522-1142
Email Address: ~~prosperityfarmdistillery~~ prosperityfarmdistillery@gmail.com

Section 1: Brand Information

1. Brand Name: PROSPERITY FARM DISTILLERY
2. Type of Alcoholic Beverage: (Select all that apply)
[ ] Beer
[ ] Wine
[X] Spirits
[ ] Other: _____

3. Description of Product:
TROPICAL GIN, SORREL GIN, BARREL AGED GIN, GOLDEN LIBERIA MANGO AMARO, ALL SPICE DRAM

4. Alcohol Content (%): 40 (except tropical gin which is 48)

5. Label Design (attach if available):
[X] Attached SENT VIA EMAIL
[ ] Not Attached

Section 2: Production Information

1. Manufacturer Name: RAISIN CANE NY LLC
2. Manufacturer Address: 160 MAHOGANY RD
3. Production Facility License Number: 2-59253-22

4. Production Method:
FERMENTS CANE TO DISTILLATION

Section 3: Distribution Information

1. Intended Markets: (Select all that apply)
[X] Local
[X] National
[X] International

2. Distribution Channels: (Select all that apply)
[X] Retail
[X] Wholesale
[X] Online
[ ] Other: _____

Section 4: Regulatory Compliance

1. Is the product compliant with local and federal regulations?
[X] Yes
[ ] No (explain): _____

2. Have you obtained all necessary licenses and permits?
[X] Yes
[ ] No (explain): _____

Section 5: Declaration

I hereby declare that the information provided in this registration form is true and accurate to the best of my knowledge. I understand that providing false information may result in legal consequences and the denial of my application.

Applicant Signature: _____

Date: 7-10-2025

EXHIBIT D

Letters of the Alcohol Control Unit dated July 16 and August 12, 2025 (Bates PF 000109 to 000110)

Government of the Virgin Islands
Of the United States
Department of Licensing and Consumer Affairs

Golden Rock Shopping Center
3000 Estate Golden Rock, Suite 9
St. Croix, VI 00820-4311
Telephone: 340.713.DLCA (3522)
Facsimile: 340.713.6982

Administrative Complex
" The Battery"
St. John, VI 00830
Telephone: 340.693.8036
Facsimile: 340.776.6989

Property & Procurement Building
8201 Subbase, Suite 1
St. Thomas, VI 00802-5826
Telephone: 340.714.DLCA (3522)
Facsimile: 340.776.8303

July 16, 2025

Upon review of the following labels submitted by Prosperity Farm the Department of Licensing and Consumer Affairs Alcohol Unit hereby approves the following labels:

- Ginger Liqueur
- Sorrel Gin
- Banana Liqueur
- Tropical Gin
- Mauby Amaro
- Allspice Dram

Theses is item are approved for sale in the United States Virgin Islands.

If you have any questions, please feel free to reach out to the Alcohol Unit at (340) 714-3522 ext.3244 or (340) 725-6068.

Thank you,

Sincerely,

Nicholas Francois

Alcohol Control Unit Coordinator

Government of the Virgin Islands
Of the United States
Department of Licensing and Consumer Affairs

Golden Rock Shopping Center
3000 Estate Golden Rock, Suite 9
St. Croix, VI 00820-4311
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Administrative Complex
" The Battery"
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Telephone: 340.693.8036
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Property & Procurement Building
8201 Subbase, Suite 1
St. Thomas, VI 00802-5826
Telephone: 340.714.DLCA (3522)
Facsimile: 340.776.8303

August 12, 2025

Upon review of the following labels submitted by Prosperity Farm & Restaurant LLC the Department of Licensing and Consumer Affairs Alcohol Unit hereby approves the following labels:

- Allspice Dram
- Banana
- Ginger
- Mauby Amaro
- Sorrel Gin
- Tropical Gin

These items are approved for sale in the United States Virgin Islands.

If you have any questions, please feel free to reach out to the Alcohol Unit at (340) 714-3522 ext.3244 or (340) 725-6068.

Thank you,

Sincerely,

Nicholas Francois

Alcohol Control Unit Coordinator

EXHIBIT E

Photographs of labels of spirits produced in the Territory by other producers

Pictures of Labels of Spirits Distilled or Blended in The U.S. Virgin Islands

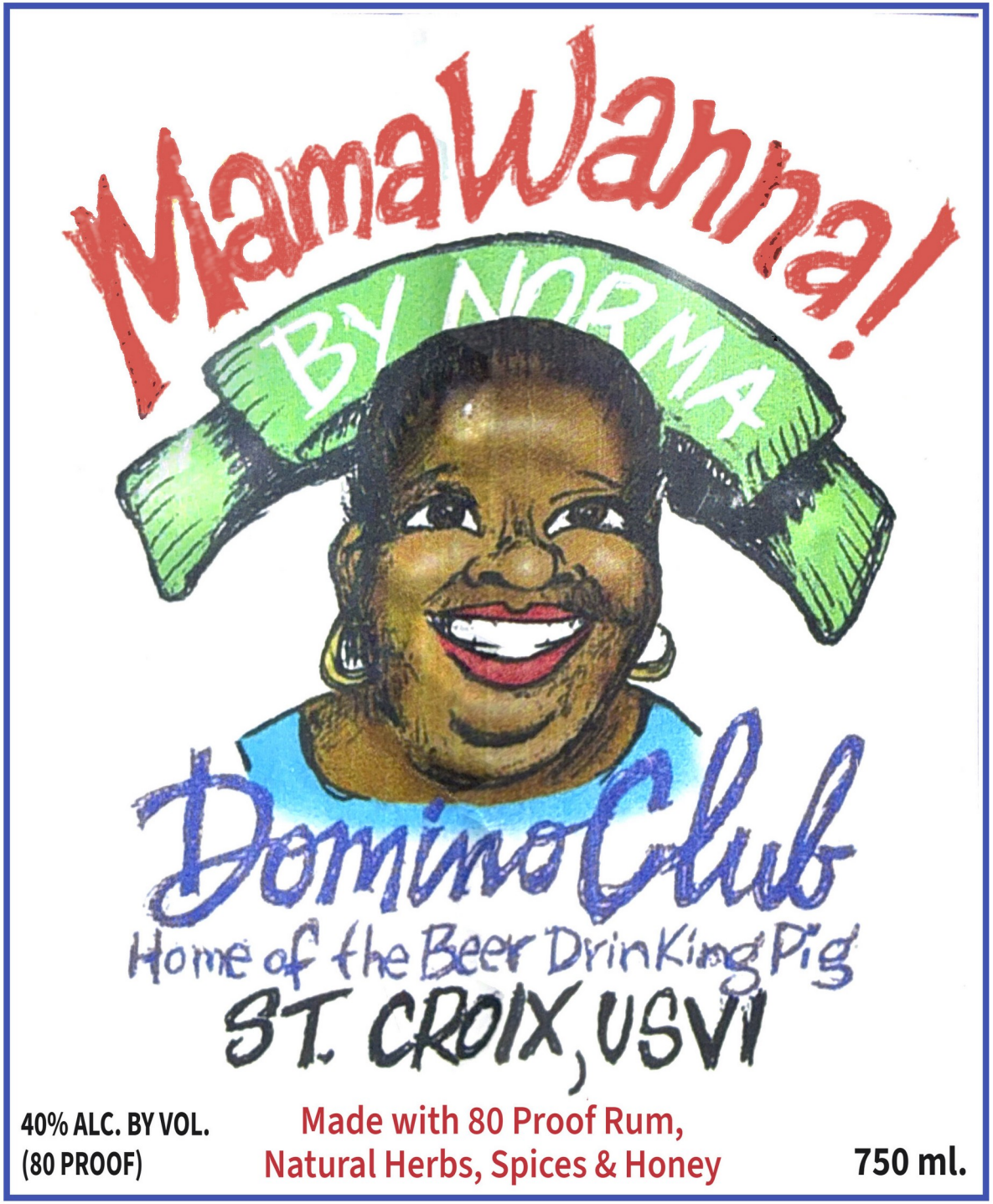
October 30, 2026





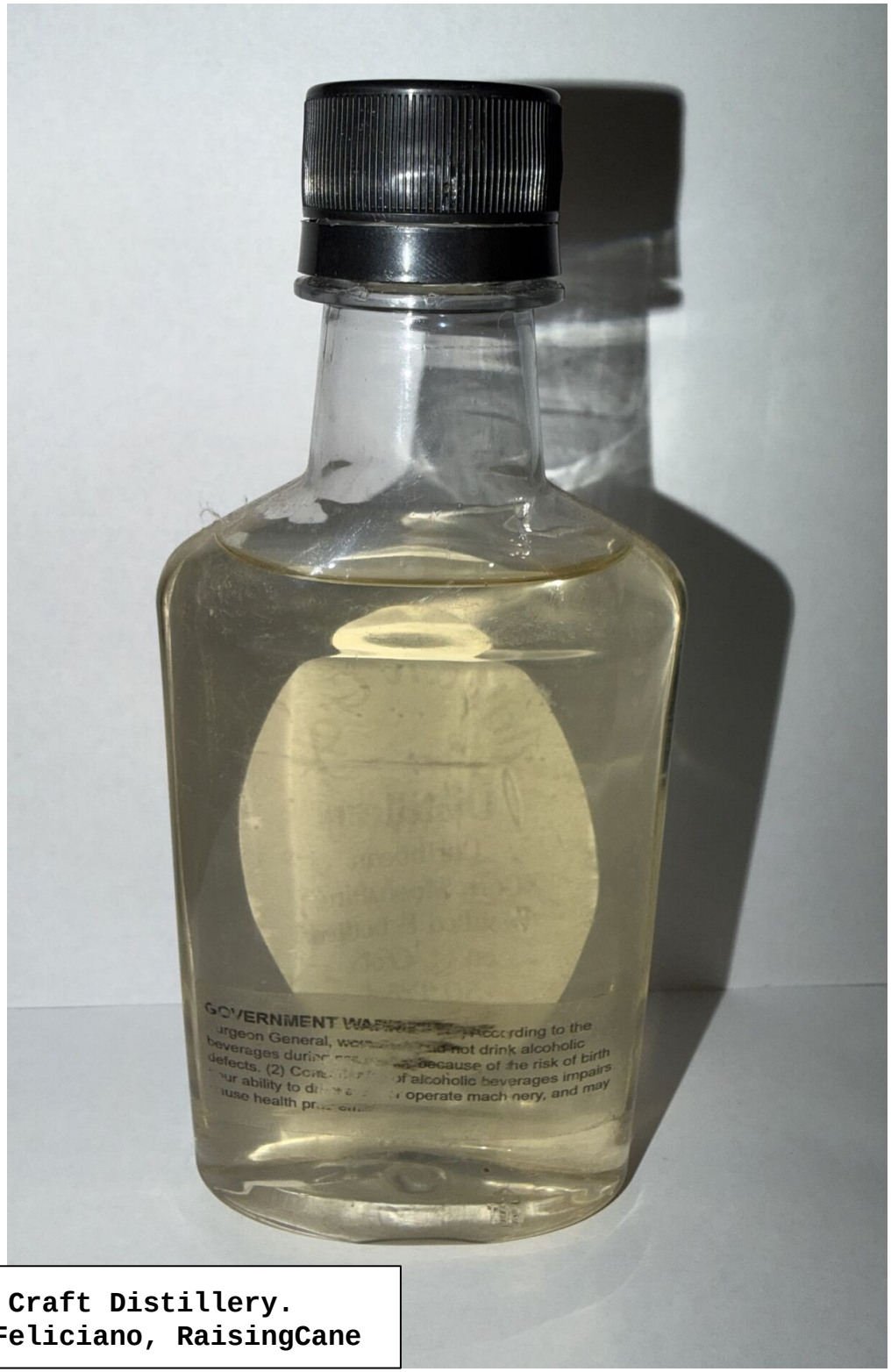
Purchased from the Domino Club.
Photographed by Sammy Feliciano, RaisingCane.

Purchased from the Domino Club.
Photographed by Sammy Feliciano,
RaisingCane.



GOVERNMENT WARNING: (1) ACCORDING TO THE SURGEON GENERAL WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS.





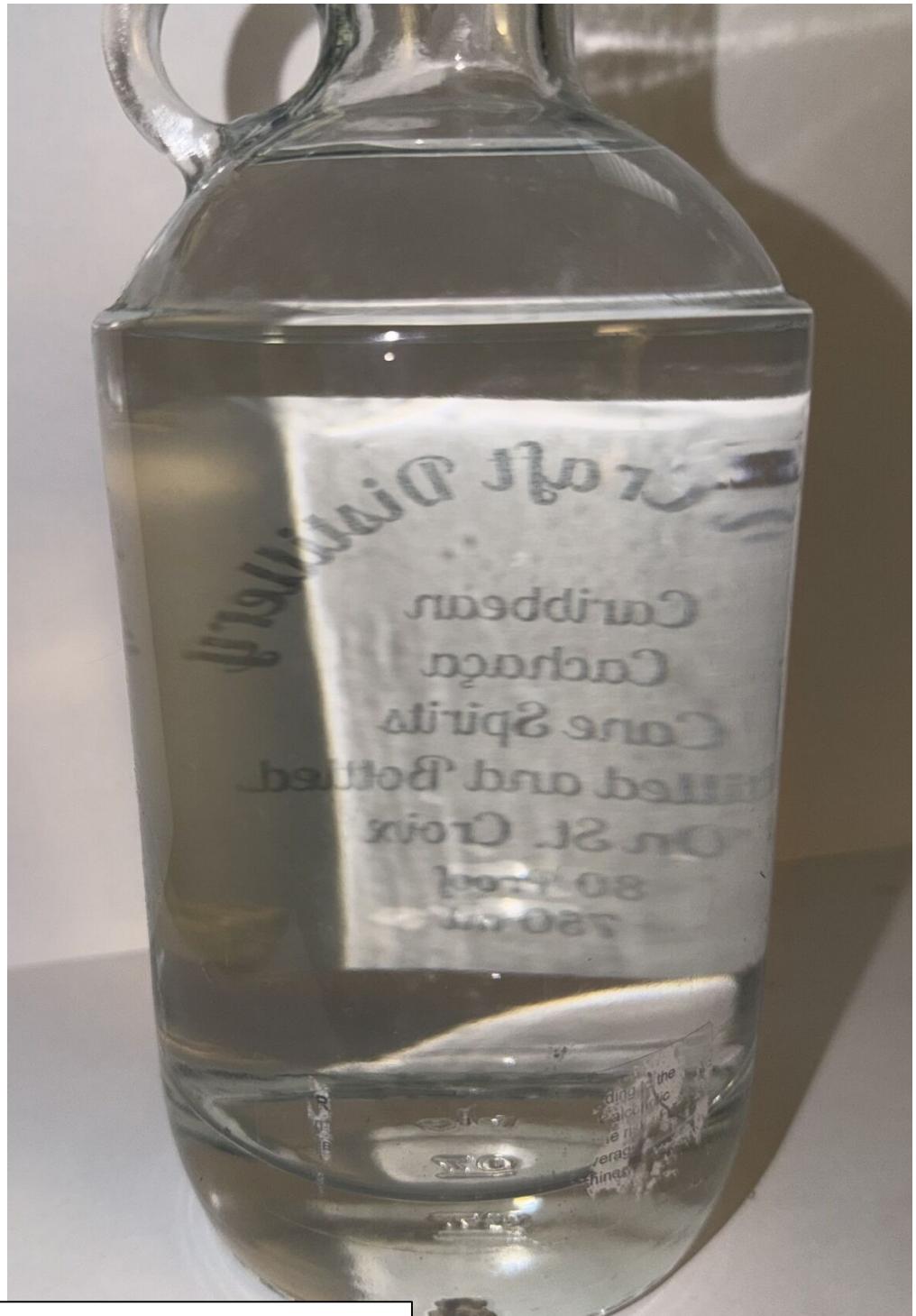
Purchased from Artisan Craft Distillery.
Photographed by Sammy Feliciano, RaisingCane





Purchased from Artisan Craft Distillery.
Photographed by Sammy Feliciano, RaisingCane





Purchased from Artisan Craft Distillery.
Photographed by Sammy Feliciano, RaisingCane





Purchased from Artisan Craft Distillery.
Photographed by Sammy Feliciano, RaisingCane





Purchased from Artisan Craft Distillery.
Photographed by Sammy Feliciano, RaisingCane



Obtained online from:
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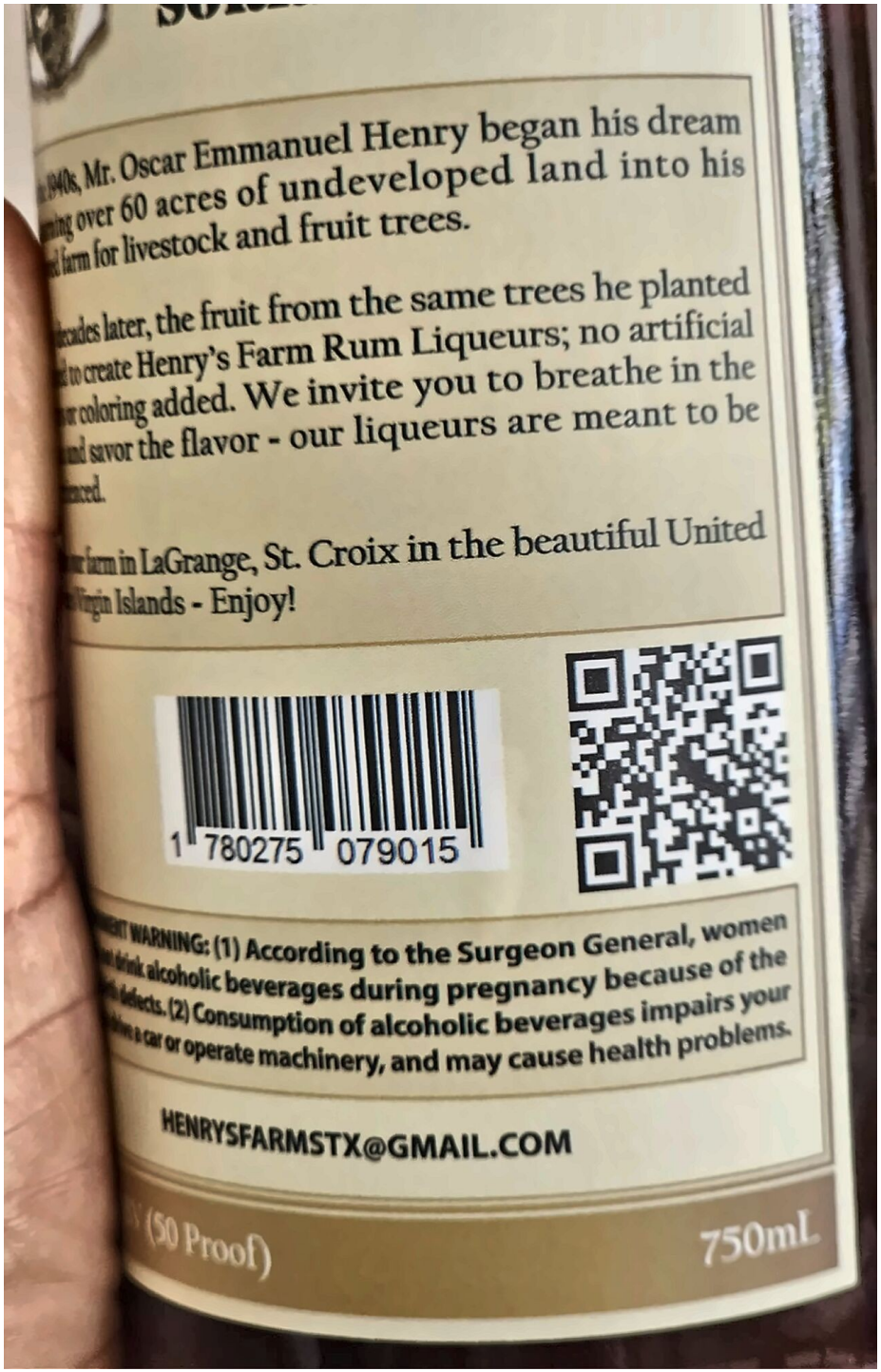


(Bili)

Blended, aged and bottled in Estate LaGrange
St. Croix, U.S. Virgin Islands

Made with Premium Caribbean Rum and Natural Spices
Fresh Local Fruit
No Artificial Flavors

Obtained online from:
https://www.facebook.com/mivitees





Purchased from “Jungle” James
Photographed by Sammy Feliciano, RaisingCane



Obtained online from: https://www.facebook.com/photo/?fbid=1062826765047814



HENRY'S FARM

SORREL & GINGER

In the 1940s, Mr. Oscar Emmanuel Henry began his dream of turning over 60 acres of undeveloped land into his beloved farm for livestock and fruit trees.

Many decades later, the fruit from the same trees he planted are used to create Henry's Farm Rum Liqueurs; no artificial flavors or coloring added. We invite you to breathe in the aroma and savor the flavor - our liqueurs are meant to be experienced.

From our farm in LaGrange, St. Croix in the beautiful United States Virgin Islands - Enjoy!

Obtained online from:
https://www.facebook.com/mivitees



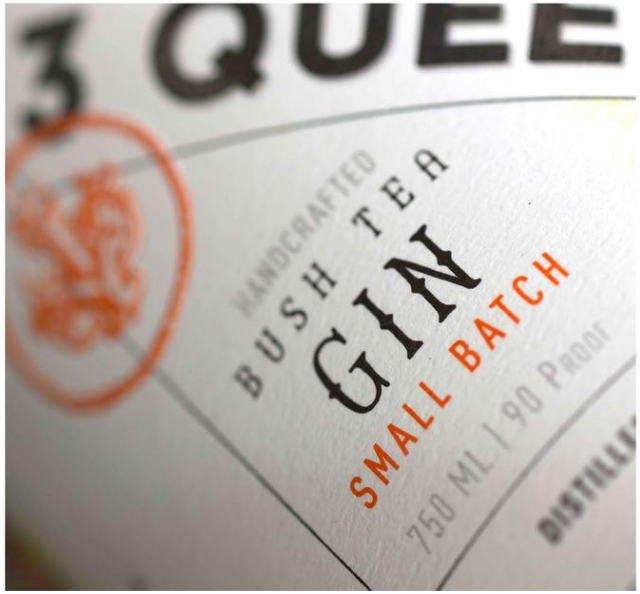




Obtained online from: https://thebook.theshowmn.org/2018/02A-260268-08-MNS









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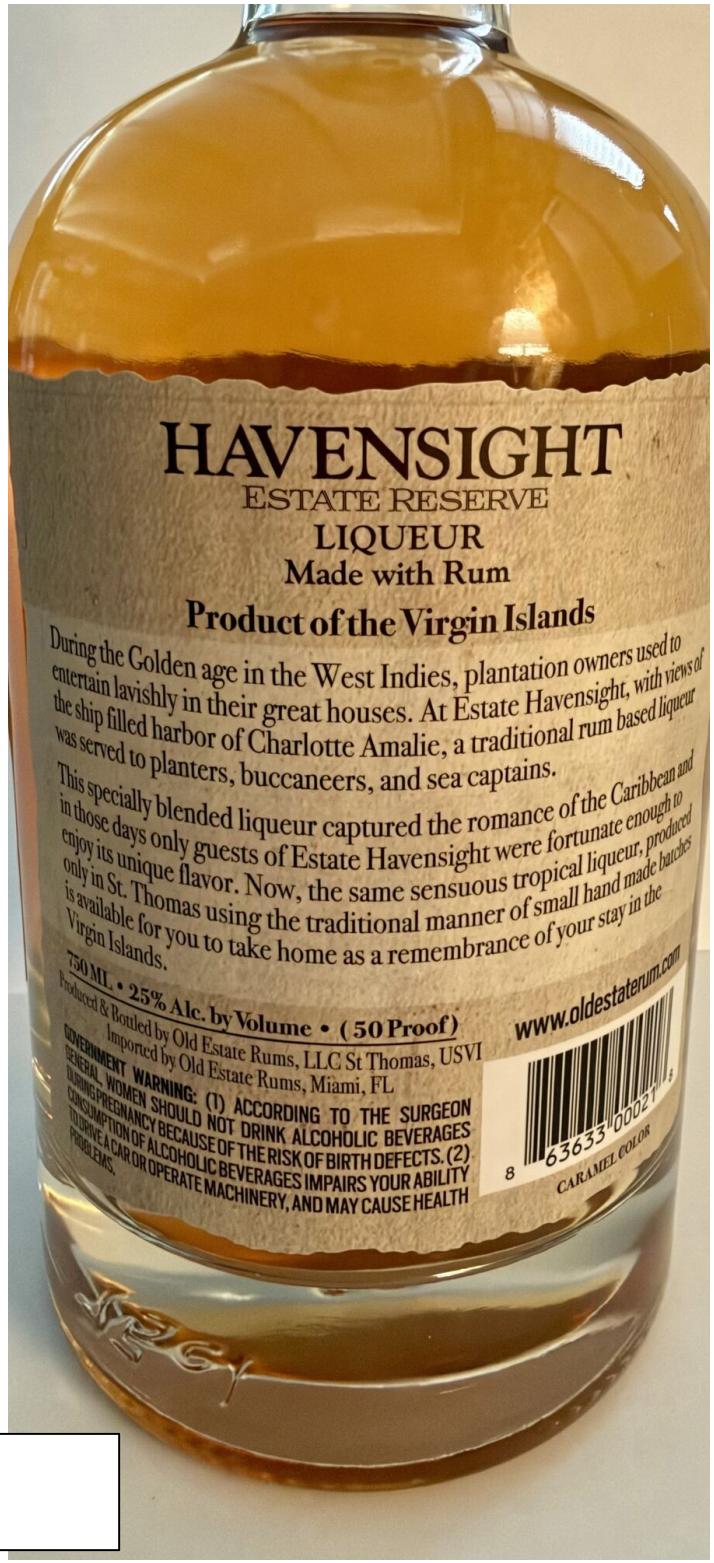

Purchased at The Market STX
Photographed by Sammy Feliciano, RaisingCane





Photographed at The Market STX
Photographed by Nate Thompson, RaisingCane







Puchased at Sion Farm Distillery
Photographed by Sammy Feliciano





Photographed at The Market STX
Photographed by Nate Thompson, RaisingCane





Purchased at Jordan Market, St. Croix.
Photographed by Sammy Feliciano