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 1

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