

ALCOHOL BEVERAGE

Our alcohol beverage practice team represents makers and distributors of beer, wine, and spirits of all sizes—including some of the world's largest—on their critical transactions, licensing deals, and intellectual property portfolios. We counsel clients at the corporate level, as well as working for individual business units. Our client roster covers the entire spectrum of alcohol beverage products—including ready-to-drink products—enabling our team to assess quickly what each client needs and to integrate the right mix of subject-matter experience.

Our core team contains over a dozen lawyers who routinely handle industry matters, particularly in the areas of corporate transactions, labeling, intellectual property, labor and employment, and state and federal regulatory laws. Team members have a wealth of experience working for and inside of global alcohol beverage companies.

We supplement that skill set drawing from a deep pool of talent located across the firm—including antitrust, banking and finance, franchise and distribution law, commercial litigation, corporate real estate, and international trade/supply chain—to provide clients with an end-to-end legal solution capable of addressing all facets of an alcohol beverage operation.

Our guidance to clients in the alcohol beverage sector includes:

Mergers and acquisitions



Husch Blackwell is an incredible firm. HB has great knowledge of the alcohol beverage industry, and I can trust the advice that they give me.

— Licensing and compliance manager, global wine company —

Contact Information

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Securities compliance

Distributor and tied-house laws

Litigation and dispute resolution

Labeling, packaging, and raw materials

Procurement and supply chain

Marketing, advertising, promotion, and retail operations

ESG and general corporate law

Licensing and regulatory

Representative Experience

Mergers & Acquisitions / Transactional

Assisted Anheuser-Busch in craft brewer acquisitions.

Closed more than \$1B in acquisitions of alcohol beverage brands.

Provided due diligence and advised C-suite on Anheuser-Busch merger with InBev, which resulted in a top-five consumer product company in the world.

Served on panel that researched, amended, negotiated, and finalized equity agreement with list of major brewer's 800+ national distributors.

Served as counsel in Luxco's strategic acquisition of \$65 million in liquor brands from Beam Inc., as well as in the acquisitions of Meier's Beverage Group (including Meier's Wine Cellars), Limestone Branch Distillery and An Fear Cuin.

Served as regulatory deal counsel for Pernod Ricard in its acquisition of Rabbit Hole Distillery.

Served as M&A counsel in the acquisition of Shady Creek Vineyard by Mardot Hospitality.

Served as buyer's counsel for Anheuser-Busch in its acquisitions of Goose Island Brewpub, Devil's Backbone Brewing Company, Golden Road Brewing, Wicked Weed Brewing, Breckenridge Brewing, Ten Barrel Brewing and Miami Beer Ventures.

Served as deal counsel in both the acquisition and divestiture of United Wine and Spirits.

Acted as counsel in the divestiture of suburban Baltimore wholesaler.

Served as deal counsel in the acquisition of Swish Beverages (owner of Babe Wines and other canned wines).

Represented ZX Ventures in the acquisitions of Cutwater Spirits and Kobu Beverages (hard Kombucha).

Marketing & Advertising

Serve on advertising and marketing compliance teams for major event-marketing platforms, including Olympic Games and the Super Bowl, among others.

Assisted spirit and wine company with review of all marketing and advertising collateral for compliance with legal and industry marketing standards.

Counseled spirits company on cross-marketing with cannabis influencer.

Consulted with wholesaler regarding proposed promotional event in Texas co-hosted with spirits manufacturer.

Assist wine, beer and spirits producers with influencer agreements and standards for influencer posting.

Regulatory / Trade Practice / Licensing / Labeling

Lead counsel in proceeding before Nebraska Liquor Licensing Commission in contested case for wholesale distribution license.

Assist clients on formulation and labeling for new and innovative TTB and FDA regulated alcohol beverage products including wine, hard seltzers, beer, and whiskey brands.

Develop certification scheme for wine company to substantiate claims on natural wine.

Assist supplier, wholesaler, and retailers with managing and updating licensing portfolios.

Represent alcohol beverage clients before TTB in disputes regarding licensing, formulation, and labeling.

Act as primary regulatory counsel for liquor importer and assist with labeling and marketing inquiries.

Assist alcohol beverage promotion company in identifying state restrictions on alcohol beverage couponing and sweepstakes.

Counsel retail companies on expansion to branded spirits and wine products.

Review for compliance and manage alcohol beverage formulation and labeling submissions with TTB and state brand registrations for various alcohol beverage companies.

Advised distillery on pivoting toward hand sanitizer production amid the COVID-19 pandemic.

On behalf of national wine distributor, researched complex state-to-state alcohol licensing and promotions restrictions.

On behalf of national wine importer and distributor, developed license management system for state-to-state alcohol licensing restrictions and other statutes of numerous state and federal regulatory agencies.

Working with new tequila start-up company to establish business and secure licensing for its US debut.

Counseled alcohol beverage company on cross-marketing with cannabis influencer.

Managed more than 1,000 retail annual licenses for a single client all renewals, corporate updates, and acquisitions of new locations and licenses.

Assist alcohol beverage promotion company in identifying state restrictions on alcohol beverage couponing and sweepstakes.

Intellectual Property

Presently serve as US Patent counsel to an international brewing company, overseeing its US patent portfolio including all preparation and prosecution of patent applications.

Defended against a Name/Image/Likeness “right of publicity” allegation from a major movie star relating to a commercial run by a major brewing company.

Consult daily with in-house IP counsel for a major brewing company on day-to-day IP issues.

Conduct all design patent and trade dress clearance review of new bottle/can designs to ensure freedom to operate.

Support M&A with IP diligence in acquisitions of numerous craft breweries and other alcohol beverage companies.

Obtained judgment of infringement and permanent injunction in US District Court, Eastern District of Missouri, on behalf of Luxco Inc. against competitor's use of Tovaritch for vodka and confirmed TTAB cancellation of competitor's federal trademark registration.

Provided seconded lawyers on three occasions to major brewing company to serve as in-house IP counsel for North America, overseeing a multibillion-dollar IP portfolio.

Advised tequila start-up company to establish business and secure licensing for its US debut.

Several successful outcomes at TTAB for Luxco on various branding and trademark issues

Litigation

Led team of in-house and outside counsel in litigation arising from compliance audits of nearly one thousand wholesalers that uncovered fraudulent conduct, including trade-call recordkeeping issues calling for immediate termination and selling of contract. The team settled claims

before or at trial on favorable terms to client.

Assisted manufacturers in various franchise/distribution matters including distributor termination disputes.

Represented trade association in dealer termination litigation and filed amicus brief regarding state law protections for dealer under state franchise laws.