

Alcoholic Beverage Law

The Legalities of Libations

The alcoholic beverages industries, including the production and distribution of craft beer, wine and distilled spirits, are thriving and growing even bigger in North Carolina. As of 2021, the state is home to more than 350 craft breweries alone, ranking the state 9th in the nation with an estimated economic impact of nearly \$2 billion. The wine industry has a similar economic impact (June 2021). Distilleries in the state are also seeing unprecedented growth.

However, as with most growth, the rise of the state's alcohol industry also brings with it challenges. Alcohol producers, distributors and retailers must comply with federal, state and local permitting requirements and other laws while navigating the myriad other legal issues. Attorneys at Brooks Pierce have a deep knowledge of these industries and the legal issues they face including intellectual property, business formation, and labor and employment. With one of our attorneys serving as part-owner of a craft brewery and several of our attorneys owning a local winery, we can offer a unique perspective on navigating the complex challenges facing the industry.

Navigating Complex Regulations

The Brooks Pierce alcoholic beverage practice group can help breweries, wineries and distilleries understand and comply with the myriad federal and state laws, rules and regulations impacting the industry, including those enforced by:

- Alcohol and Tobacco Tax and Trade Bureau (TTB)
- Federal Trade Commission
- Internal Revenue Service
- Federal Food & Drug Administration
- North Carolina Alcoholic Beverage Control Commission (ABC)
- North Carolina Alcohol Law Enforcement
- North Carolina Department of Revenue

We can also help businesses comply with local laws impacting production distribution, and retail sales and service of alcohol to the public.

Our experience includes:

- Evaluating and, where appropriate, litigating against penalty or other enforcement actions initiated by the various Federal & State entities, particularly the NCABC.

- Representing wineries & craft beer manufacturers in negotiating their relationships with distributors and, where necessary, litigating the propriety of the termination of such relationships.

Protecting Intellectual Property

Our alcoholic beverage practice group assists alcoholic beverage producers with:

- Name and brand selection, searching, clearance, and protection (including internet domain names)
- Trademark and copyright applications, registrations and portfolio maintenance
- Trademark disputes and litigation
- Copyright disputes and litigation
- Trade secret disputes and litigation

Business Operations

From incorporation to expansion, Brooks Pierce has the knowledge needed to help you establish and run your business smoothly. For businesses focused on commercial aspects of alcohol production (including manufacturing, bottling and wholesaling), and for those in the hospitality industry engaged in retail sales to the public, having knowledgeable legal assistance is essential to navigating the regulatory process. Our attorneys have deep experience in:

- Business formation
- Labor and employment
- Contract negotiation and enforcement
- Securities

Real Estate

When preparing to open a location, real estate is paramount to ensure your business is set up for success. Brooks Pierce attorneys assist with complex real estate issues facing alcoholic beverage producers, including:

- Land use, and navigating specific zoning requirements
- Negotiating leases and purchases

How can we help you?

PEOPLE

David W. Sar

Thomas G. Varnum

Katarina Wong

David Yontz