

WINE, BEER & SPIRITS

By understanding the complex legal and regulatory hurdles facing beer, wine and spirits producers, wholesalers and retailers, the attorneys at Hodgson Russ are trusted advisors to all sectors of the industry, from entrepreneurs and small craft brewers to large retailers and producers, family-owned start-ups and large corporations.



Hodgson Russ has extensive experience providing comprehensive, sophisticated advice to those in the beer, wine, and spirits industry



Our experienced, business-focused counsel has benefited breweries, distilleries and wineries when addressing the challenges of formation, capitalization, financing, corporate governance, distribution and franchising matters. From assisting the hops farmer and grape grower with land use and zoning issues to protecting the intellectual property of brands and unique packaging, navigating the licensing and labeling requirements to dealing with the labor and tax challenges of the producer, distributor and retailer at every step of the way, our lawyers help our clients succeed.

While these industries are undergoing a strong growth period, long-term prosperity in the wine, beer and spirits arena requires strategic business planning and a clear understanding of the regulatory and tax regimes. Just as important is having counsel that can provide solutions when state and federal compliance agencies make inquiries or commence enforcement actions, or intellectual property rights are threatened. As one of the country's top law firms with multiple offices in both the US and Canada, we have the breadth and depth to navigate the myriad of issues relating to the success of businesses

associated with brewing, distilled spirits and wine including

State and Federal Licensing Requirements and Response to Enforcement Actions

- Federal and State Tax, including property tax, excise tax, and sales tax
- Defense of Enforcement Actions
- Alleged failures in regulatory compliance, underage drinking, dram shop violations and a range of other regulatory and judicial forum proceedings

Intellectual Property Issues

- Clearance of brands for company and product names
- Protection of trademarks and trade dress (bottle designs and packaging) with the US Trademark Office and abroad
- Review and clearance of advertising copy and can or bottle designs
- Consulting on product portfolios for maximum protection of brands
- Enforcement of intellectual property rights against infringers

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- Defense of claims of trademark or copyright infringement from third parties

Compliance with Marketing Rules

- E-commerce and Internet marketing
- Interstate and international trade and shipping
- Marketing and advertising compliance
- Franchise sponsorships and pouring rights arrangements

Dispute resolution

Alcohol industry firms must frequently deal with the potential for litigation. Industry members should face disputes with experienced counsel on their team, from administrative forums to arbitration to state and federal judicial actions. Hodgson Russ attorneys have successfully mediated, arbitrated or litigated every type of dispute, including employee relations disputes, product liability, trademark and intellectual property disputes, regulatory proceedings, distributorship disputes, general and liquor liability, commercial real estate actions and general commercial conflicts.

State Liquor Authority Enforcement

The New York State Liquor Authority takes seriously its mandate to inspect and investigate licensees - including via undercover "sting" investigators. Liquor law violations by employees can carry criminal charges for the employee and can be imputed to their employers, leading to SLA disciplinary proceedings for licensees. SLA charges often carry serious penalties, including

revocation of liquor licenses or suspension of the sale of alcohol for certain time periods. Hodgson Russ attorneys have experience counseling restaurants and bars both in preventing violations of the Liquor Law and in dealing with the SLA when violations occur.

Insurance Coverage Issues

From Dram Shop Liability to Property Damage to Farm Crop Insurance, proper insurance coverage is an essential element of the industry. We advise manufacturers, importers, wholesalers and retailers of liquor, wine and beer, including hotels and resorts, restaurants, bars and clubs and venues with concessionaire, liquor, catering and special event licenses on legal issues related to insurance coverage. Our attorneys are adept at handling coverage disputes, including litigation when necessary.

- Capitalization and financing
- Corporate formation and governance
- Labor and employment, including Wage and Hour Law, DOL, EEOC, and OSHA compliance
- Real estate transactions, including for production and retail facilities, as well as vineyard leases and grape contracts
- Distribution Agreements
- Cross-Border Licenses and Taxes
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Practice restricted to U.S. law



As a full-service law firm, we serve clients in all major areas of law, providing a multi-faceted approach to the legal issues they encounter.



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