

ABL WEEKLY

POLICY, INDUSTRY AND BUSINESS NEWS FOR BEVERAGE RETAILERS

Friday, August 16, 2019

Issue 394

MEETINGS & EVENTS

[September 12 - IABR Fall Golf Outing | Indianapolis, IN](#)

[September 15-17 - ILBA Annual Convention & Tradeshow | LaSalle, IL](#)

[October 9 - NYSLA 10th Annual Albany Holiday Trade Show | Albany, NY](#)

[October 10 - IABR Annual Meeting & Board of Directors Meeting | Indianapolis, IN](#)

[October 14-17 - TLW 84th Annual Fall Convention | Green Bay, WI](#)

[October 15 - NYSLA 10th Annual Buffalo Holiday Trade Show | Buffalo, NY](#)

[October 21-23 - ABL Fall Board Meeting & Industry Meetings | Washington, DC](#)

ABL & PUBLIC POLICY NEWS:

[**5th Circuit Undoes Walmart's Texas Liquor Sales Win:**](#)

A Texas rule barring public corporations from owning liquor stores does not necessarily discriminate against out-of-state retailers, the Fifth Circuit said Thursday, undoing both a Texas federal judge's decision to the contrary and a win for Walmart and other large retailers hoping to sell liquor in the state.

[**Do Wine and Liquor Sales Put a Target on a State's Back?:**](#)

New Hampshire boast something that its New England neighbors don't, a non-existent sales tax rate. Recently New Hampshire decided to flex its tax-free muscles and brag about its advantages over its neighbors.

[**Senators Float Permanent Alcohol Tax Cut, Other Extenders Plans:**](#)

Lawmakers on the Senate Finance Committee Tuesday released recommendations for a long-term resolution on a package of temporary tax provisions known as tax extenders, including making permanent a tax cut for alcohol products.

[**Rep. Johnson Wants to Publicly Identify**](#)

[**Amicus Brief Funders:**](#) A bill calling on advocates who file friend-of-the-court briefs in federal appellate cases to publicly identify who funded them has been introduced by U.S. Reps. Hank Johnson and Ted Lieu to bring

[**DiMA and RLMC Warn DOJ Off Hasty Removal of U.S. Consent Decrees:**](#)

Just the latest potential shakeup to the US system of music-licensing is the Department of Justice's antitrust division's review of the 'consent decrees' which govern collecting societies ASCAP and BMI. Now the body that represents streaming services, DiMA has teamed up with radio-industry body the RMLC to warn against a hasty removal of the decrees.

[**FDA Issues Fact Sheet on Menu Labeling:**](#)

The U.S. Food and Drug Administration (FDA) issued a fact sheet to inform stakeholders about the agency's continued efforts to implement menu labeling in chain restaurants and similar retail food establishments.

[**10% Tariffs Were Manageable. At 25%, Businesses Are Squirming:**](#)

When the U.S. raised its tariffs on Chinese imports in May, Harlan Stone knew his U.S. vinyl flooring importing business had to move fast. He got on the phone with his main customer, Home Depot Inc., to update it. Soon he was on a plane to China, prepared for tough conversations with suppliers.

[**Commerce Taps Mexican Beer Kegs For Anti-Dumping Duty:**](#)

The U.S. Department of Commerce called Tuesday for an 18.48% duty

transparency to what the legislators say amounts to judicial lobbying.

on steel kegs imported from Mexico, after determining that the kegs were sold in the U.S. at unfairly low prices. Commerce's final decision for an 18.48% anti-dumping duty was unchanged from its preliminary determination in May.

INDUSTRY NEWS:

Alcohol & Tobacco Tax & Trade Bureau (TTB): [TTB Newsletter – Weekly News \(August 16\)](#)

Alcohol & Tobacco Tax & Trade Bureau (TTB): [TTB Extends Comment Period on Proposals to Eliminate Certain Standards of Fill for Wine and Distilled Spirits](#)

Beer Business Daily: [Beer Is Back?](#)

Brewers Association: [The Diversity Data Is In: Craft Breweries Have Room and Resources for Improvement](#)

Brewers Association: [PAIRED® Unites the Best of Beer and Food at the Great American Beer Festival](#)

Campaign for a Healthy Alcohol Marketplace: [Why Are Alcohol Regulations Primarily "State-Based"?](#)

JD Supra: [Music Modernization Act Update](#)

Nation's Restaurant News: [How Restaurants Can Cope When Tragedy Comes to Their Doorstep](#)

SevenFiftyDaily: [What Drinks Companies Need to Know About Investing in Cannabis](#)

Wine-Searcher: [Canned Wine: The Great White Hype](#)

INDUSTRY SPOTLIGHT:

DRAUGHT BEER QUALITY MANUAL

Perfect for professional and home draught systems

Put Your Best Beer Forward

Fourth edition now available

FOURTH EDITION

BA BREWERS ASSOCIATION

B **BREWERS PUBLICATIONS.**

The [**Draught Beer Quality Manual**](#) is an indispensable resource for brewers, wholesalers, retailers, and draught system installers. Prepared by the Brewers Association Technical Committee, this fourth edition includes updated best practices, detailed information about line cleaning, draught system components and design, gas dispense and balance, proper pouring, sanitation and growlers is organized with your needs in mind. The goal is simple – to improve draught beer quality and ensure that beer makes it into the consumer’s glass as the brewer intends.

AFFILIATE NEWS:

Massachusetts Package Stores Association

[**Cumberland Farms Files Ballot Question to Lift Cap on Liquor Licenses**](#)

Remember the Booze Ballot Battle of 2006? Well, we might soon see a new war break out over the right to sell alcohol in Massachusetts. Cumberland Farms filed a ballot question with the state attorney general's office on Wednesday that would lift the state restrictions on the number of alcohol licenses a food retailer can have.

Retail Liquor Association of Oklahoma

[**Oklahoma Liquor Law Modifying Distribution Guidelines Found Unconstitutional**](#)

A state law modifying alcohol distribution guidelines, approved by voters in 2016, has been found unconstitutional. Under State Question 792, manufacturers can grant certain wholesalers exclusive rights to distribute their product to retail stores. Senate Bill 608 established a list of the top 25 wine and spirits sold in the state, requiring the items on that list be made available to all wholesalers across the state.

CANNABIS NEWS:

[**American Bar Association Urges Congress to Let States Set Their Own Marijuana Policies**](#)

The American Bar Association (ABA) adopted a resolution on Monday that calls on Congress to allow states to set their own marijuana policies and recommends rescheduling or descheduling cannabis under federal law.

[**California's Largest Legal Weed Farms Face Conflict In Wine Country**](#)

The Santa Rita Hills, nestled in Santa Barbara County, are ideal for pinot noir, a notoriously finicky grape. That's why Kathy Joseph came here to plant Fiddlestix Vineyard. "The plants are over 20 years old, which comes through in the wines we make. The topography is just right; the proximity to the ocean is incredible," Joseph says.

[**Economics in Brief: Credit Unions Can Get Into the Pot Game**](#)

The National Credit Union Administration won't go after credit unions that provide banking services to marijuana businesses in states where marijuana is legal, NCUA chairman Rodney Hood told credit-union trade publication CU Times.

[**How Cannabis Will Impact the Wine Trade:**](#)

Since Colorado voters opted to legalize recreational cannabis in 2012, 10 additional states and the District of Columbia have followed suit, sparking concerns among U.S. vintners that marijuana might one day replace wine as consumers' relaxation substance of choice.

[**A New Weed Breathalyzer for Police Arrests Is Being Developed:**](#)

Marijuana breathalyzers for police use are on the rise as more tech companies rush to develop them. A new weed-detecting device is being developed by the tech industry. The latest startup to have a go at building a cannabis breathalyzer is SannTek Labs, which just announced an investment from Y Combinator.

[**CBD-Infused Drinks Can Now Help Restaurants Offset Declining Alcohol Sales:**](#)

Restaurateurs are in for a hard time. Despite the fact that people have more disposable income to pay for a dinner out, their preferences are changing. Healthy lifestyles are trending and more restaurant guests are opting to skip the wine in favor of table water.

Survey: 13% of Americans Underestimate Dangers of Driving While High:

A recently published nationwide survey supports what local law enforcement leaders have been saying for months: The public often underestimates the dangers of driving while high. Of the 2,582 drivers surveyed by the American Automobile Association (AAA) in 2018, 13.5% of American drivers said they felt that driving within an hour of using marijuana was only "slightly dangerous" or "not dangerous at all."

Marijuana May Boost Risky Effects of Drinking Alcohol:

As the legalization of medical marijuana and marijuana use are both on the rise in the United States, people are not necessarily using alcohol less and may be unaware of the risks of combining alcohol and marijuana, according to researchers.

STATE & LOCAL NEWS:

Alabama: Medical Marijuana Commission to Hold First Meeting:

Dr. Steven Stokes was once skeptical about medical marijuana. But the "semiretired" oncologist from Dothan has changed his mind after volunteering at a clinic in Marianna, Florida, where medical cannabis is available. "I think it helps them," Stokes said in a phone interview on Monday.

California: College Avenue Safeway Location Banned from Selling Alcohol Until October:

The Safeway location on College Avenue will not be allowed to sell alcohol for 60 days starting Aug. 6, according to a release from the California Department of Alcoholic Beverage Control, or ABC, as first reported by Berkeleyside. The store had its alcoholic beverage license suspended by ABC for selling alcohol to minors three times in the span of three years, which is a violation of the ABC Act.

Connecticut: Hard Seltzer Market Creates Buzz in State's Alcohol Industry:

The national beer and alcohol industry is buzzing over the wave of hard seltzers on the market, and Connecticut businesses are looking to capitalize on the latest trend. Sales of hard seltzer surged almost 200 percent in the past year to \$488 million, as estimated by Nielsen. The market behind the fizzy beverage is poised to reach \$2.5 billion by 2021, according to national reports.

Georgia: Albany Commission Approves

Sunday Alcohol Referendum: Albany citizens will soon vote whether to allow earlier alcohol sales at restaurants on Sundays. Tuesday morning, the Albany City Commission

Louisiana: Sulphur Considering Allowing Alcohol Sales to Those in Motor Vehicles:

The City of Sulphur is considering doing away with an over 30 year ordinance prohibiting the sale of alcoholic beverages to people in motor vehicles. "The intent we believe was, in 1983 when they passed this ordinance was to prevent daiquiri shops in the city of Sulphur," Mayor Mike Danahay said. "That was the big rage at the time, so that was the intent of that ordinance."

Massachusetts: Cumberland Farms Takes Aim at Massachusetts Liquor Laws:

Cumberland Farms is taking aim at Massachusetts liquor laws, filing a ballot question with the state attorney general's office that would lift the state restrictions on the number of alcohol licenses a food retailer can have. The convenience store chain argues that it's time to modernize the state's archaic liquor laws, while package stores are gearing up for a fierce fight to defend their turf, reported The Boston Globe.

Michigan: 400K of Illegally Shipped Bottles of Alcohol Sold Across State:

Michigan has an alcohol smuggling problem. That's according to the Michigan Beer and Wine Wholesalers Association. The association compiled data from the Liquor Control Commission and the state's excise tax information to determine how much alcohol is being shipped to Michigan illegally.

Minnesota: 2 Years After Sunday Liquor Sale Bill Passes, Tax Revenue Still Lackluster:

Minnesota now has two years of Sunday liquor sales under its belt, and the numbers are in.

approved putting the option for restaurants to sell alcohol earlier on Sundays on the ballot. Commissioners also had the option to put the option for Sunday package sales on the ballot for voters, but voted against that option.

For the second year in a row, revenues from state alcohol taxes did not go up as much as predicted. Minnesota liquor taxes are up slightly from last year, but Sunday sales are not creating the windfall in revenue many predicted.

Texas: State Prepares for Beer-to-Go and Booze Delivery: Starting Sept. 1, Texans will be able to leave brewery taprooms with a case of their favorite craft beer, and order wine and beer for delivery, thanks to two laws passed by the Legislature this year. Brewers and beer lovers around the state fought for beer to go, saying it will boost business and drive tourism to Texas.

BUSINESS & LIFESTYLE NEWS:

Natural Light Hard Seltzer? Anheuser-Busch Is Leaning into the Trend: Hard seltzer is big. Anheuser-Busch InBev thinks it's about to get bigger. The alcohol company is launching a new line of spiked seltzer under the Natural Light brand, an affordable product marketed to college-aged drinkers. Natty Light Seltzer is not the first hard seltzer product for AB InBev, which already sells Bon & Viv.

Building A Business in a Highly Regulated Industry: Attention to detail is crucial for any successful entrepreneurial endeavor, but when it comes to launching and scaling a startup in a highly regulated industry, it's a completely different ballgame. Entrepreneurs operating in highly regulated industries have to be even more shrewd when it comes to risk taking, innovation, and decision making — one legal misstep could result in serious legal ramifications and reputation damage.

What 7 of the Most Confusing Terms You See at a Bar Actually Mean: As a bartender, I sometimes see a sense of panic in the customer's eyes as they scan the menu. That unsettling feeling isn't because of the prices either. The anxiety often stems from having absolutely no idea what half the words on the menu mean.

An Intense PBR Hard Seltzer Is Coming for Your Late-Summer Parties: Just a few weeks removed from the release of its surprisingly good Hard Coffee, Pabst Blue Ribbon has formally announced it is introducing yet

Brewers Tell Us Their Favorite Beers to Pair with Spicy Food: From hot wings to nachos to sushi slathered in wasabi, we just can't get enough heat. We won't even consider eating a slice of pizza if there isn't a pile of chili flakes on top. Tacos are hot sauce or GTFO. But when you eat spicy food, you eventually need a respite from the heat.

Four Loko Teases New Seltzer with Nearly Triple the Alcohol Content of Its Competitors: Four Loko, an alcoholic beverage line once popular with millennials, appears to be jumping on the hard seltzer trend in an extreme way. In a series of tweets, Four Loko teased a seltzer boasting a much higher alcohol-by-volume amount than its main competitors.

Amazon Wants to Open Liquor Store, Deliver Alcohol in San Francisco: Amazon may be mostly known as an online shopping site, but a public notice outside its warehouse at 888 Tennessee Street in the Dogpatch says the company is now trying to open a liquor store. Amazon drivers were spotted picking up products for delivery Sunday evening. If Amazon gets its way, drivers could also deliver alcohol to Prime Now customers in San Francisco in the future.

Premium Products Continue to Drive Distilled Spirits, According to the 2019 Liquor Handbook: The distilled spirits industry posted another increase in 2018, marking its 21st consecutive year of volume growth, according

another new product that isn't intended to be the cheapest light beer in the bar. Blue Ribbon fans have seen a whole lot of expansion of the brand this year with PBR Extra, a non-alcoholic PBR, Hard Coffee, and the forthcoming PBR Whiskey.

to the Beverage Information Group's 2019 Liquor Handbook. The spirits segment ended the year up 2.0%, reaching 232.2 million 9-liter cases.