

ABL WEEKLY

POLICY, INDUSTRY AND BUSINESS NEWS FOR BEVERAGE RETAILERS

Friday, August 23, 2019

Issue 395

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:

[Should Bartenders Drink on the Job? Project: Drive Sober Looks into Sober Server Ordinances:](#)

The muffled sound of a dice shaking inside a soft, leather cup. The loud snap as the dice hit the counter. It's called Bar Dice. A drinking game commonly played in Wisconsin bars. The game determines who pays for the next round: the customer or the bartender.

[How the Bar Industry Plans to Deal With Harassment in the Workplace — Including Unruly Guests:](#)

Though bars are known for offering refuge to many, their reputation as a house of worship with better tasting holy water is not celebrated the same way as a religious institution. Bars and restaurants have been stigmatized as places where bad behavior is tolerated—both backstage as well as in public.

[The Proposed Cap on NYC Delivery Fees Could Ripple Across the Rest of the Country:](#)

The New York State Liquor Authority (NYSLA) has proposed adding a 10 percent cap on the commissions full-service restaurants pay to third-party delivery companies, according to Restaurant Business Online. While such a move would provide some relief for restaurants, it could also put up more road blocks for third-party delivery services as they struggle to reach actual profitability.

[Trump Talked About Putting a Massive Tariff on French Wine at a Hamptons Fundraiser, According to Report:](#)

President Donald Trump floated a tariff of as much as 100% on French wine at a fundraiser in Long Island, according to a report from Bloomberg. The remarks come amid a trade dispute over a proposed French tax on major tech companies including Google, Facebook, and Amazon.

[Want to Play Music Legally at Your Small Business? Read This First:](#)

If you play music at your small business, the review of ASCAP and BMI Consent Decrees by the Department of Justice Antitrust Division (DOJ) will likely have some consequences. The DOJ is reviewing two music antitrust consent decrees which have been around since the 1940s.

[Restaurant Spending Set to Hit High in 2019 As Consumers Spend More of Their Budget on Dining Out:](#)

Recession red flags may be cropping up in the stock and bond markets as the trade war rages on. But it seems the American consumer hasn't gotten the message - at least not yet. This holds particularly true when it comes to spending at restaurants. Sales at eating and drinking establishments are up more than 4% this year, according to data from the U.S. Census Bureau.

25 Dead After Drinking Tainted Alcohol in

Costa Rica: Costa Rica's Ministry of Health says a total of 59 people have consumed tainted alcohol as the death toll due to the liquor rose to 25 in the Central American tourist destination. According to a press release on the agency's website, 19 men and six women between the ages of 32 and 72 have died since June.

Bootleg Alcohol Is an Insidious International Threat, and One Expert Says It's Especially Dangerous When It's Slipped into a Legitimate Supply Chain:

Costa Rica has been hit with a wave of methanol poisoning linked to adulterated alcohol, according to a report from Food Safety News. The death toll stands at 25 so far, while 59 victims have been hospitalized.

A Shot of Rejection: Court Affirms TTB's Ad

Denial: A Washington, D.C., judge poured out an action from a vodka company over its advertising claims in an appeal from the Alcohol and Tobacco Tax and Trade Bureau (TTB). Bellion Spirits asked the TTB for permission to include a statement on its vodka bottles about a compound called NTX, a proprietary blend of ingredients the company said mitigates alcohol's damage to DNA.

Bourbon Exec: Tariffs Have Had a 'Significant Impact' on Business:

Pour one out for U.S. liquor industry. Trade tariffs are undermining what was one of the largest booms for American bourbon exporters. An industry executive told Yahoo Finance that the dispute between the U.S. and its trading partners is hammering the business.

INDUSTRY NEWS:

Alcohol & Tobacco Tax & Trade Bureau

(TTB): [TTB Newsletter – Weekly News \(August 23\)](#)

3x3 Insights: [Independent Liquor Store Owners Offered Three Options for Valuable Customer Insight](#)

3x3 Insights: [Retail Untapped - Episode 35: The Athletic Brewing Revolution](#)

Alcohol Law Advisor: [TTB Label Approval System Survives First Amendment Challenge from DC Brewery](#)

Alcohol Law Advisor: [TTB Publishes New Nonbeverage Product Formula Form](#)

Alcohol Law Review: [California District Court Grants State's Motion to Dismiss Out of State Importer's Dormant Commerce Clause Challenge](#)

Beer Business Daily: [Hard Seltzer: Where Have we Seen this Before?](#)

Brewers Association: [BA Releases New Sustainability Benchmarking Tool](#)

NACS: [Cash Is Still King with Consumers](#)

Wine-Searcher: [California ABC Launches Amazon Investigation](#)

SevenFiftyDaily: [Drinks Industry Leaders Speak Out on Looming EU Trade War](#)

Shanken News Daily: [Wine Shipping Advocates Mount a New Push](#)

Sky Ranch Foundation: [Foundation Awards \\$300,000 in Grants](#)

AFFILIATE NEWS:

Texas Package Stores Association

[Walmart Won't Be Selling Liquor in Texas After All, Appeals Court Rules](#)

Walmart won't be opening liquor stores in Texas anytime soon. The 5th U.S. Circuit Court of Appeals this week reversed an earlier federal court ruling in favor of Walmart, which challenged the constitutionality of a law that prevented it from selling liquor in Texas.

INDUSTRY SPOTLIGHT:



DRAUGHT BEER QUALITY MANUAL

Perfect for professional and home draught systems

Put Your Best Beer Forward

Fourth edition now available

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.

CANNABIS NEWS:

[Marijuana Tax Revenues See Uneven Growth Across Nation](#):

State governments across the country are pulling in millions of dollars from taxes on legalized marijuana, but the revenue they receive has fluctuated wildly as new markets for a once-illegal product struggle to become established.

[Fake Cannabis Vapes Are Everywhere and Poisoning Folks](#):

Last week, 20 people were hospitalized in the midwestern part of the country — Illinois, Minnesota and Wisconsin — due to breathing complications as a result of vaping. Vaporizers are one of the hottest trends on the legal cannabis market.

[Amid Rising Sales, Profits Remain Elusive for Leading Cannabis Players](#):

Red ink continues to overshadow rising sales for several of the world’s top cannabis companies. Canopy Growth, whose lack of profitability contributed to the departure of former CEO Bruce Linton

[D.C. Mayor Reiterates Calls for Recreational Marijuana Legalization](#):

District of Columbia Mayor Muriel Bowser has declared it is time for the nation’s capital to legalize marijuana. She was promoting a petition for the Safe Cannabis Sales Act 2019 and she has launched a campaign called Safe Cannabis DC.

[Cannabis Sales in California to Reach \\$7.2 Billion by 2024](#):

California’s legal cannabis market is on track to grow 23 percent in 2019 to \$3.1 billion, but consumer spending is still slower than expected due to the current regulatory and tax climate in the state, according to research from Arcview Group and BDS Analytics.

[The State Cannabis Commerce Act Would Create an Import-Export Market from Sea to Shining Sea](#):

For a sign that the cannabis sector is maturing, look no further than the

earlier this summer, took a net loss of \$960M in the quarter ended June 30. However, \$885M of that loss was due to an extinguishment of warrants relating to Constellation Brands' stake in the company.

recent introduction of the State Cannabis Commerce Act by Oregon Rep. Earl Blumenauer and Sen. Ron Wyden. In addition to containing language to protect state cannabis programs from federal interference, the bill would create a legal structure to allow interstate commerce between states where cannabis has been legalized.

STATE & LOCAL NEWS:

Florida: State Opens Door to Out-of-State Retailer Shipping:

As of Aug. 1, Florida residents can order and receive wine from out-of-state retailers through common carriers. That's big news for fine wine retailers looking to ship to consumers in the Sunshine State, which represents a huge market for alcohol sales.

Maryland: State Is Latest Testing Ground for Tech Aimed at Drunken Driving:

Maryland officials are testing new technology installed in vehicles that prevents the car from moving if the driver's had too much to drink. The Driver Alcohol Detection System for Safety (DADSS) analyzes the driver's breath — there's no need for a separate device — and if the sensors in the vehicle pick up a given level of alcohol, the engine will turn over, but the car won't move.

Massachusetts: 'Nip' Ban Having an Impact in Chelsea:

Chelsea's ban on "nip" liquor bottles — the only one of its kind in the state — appears to be having the desired effect. In the year since the city banned sale of the tiny 50-ml bottles of hard liquor, public drunkenness has diminished, alcohol-related ambulance responses are way down, and there has been a reduction in the number of people taken into protective custody for alcohol intoxication.

Massachusetts: State to Allow Delivery of Recreational Weed:

The Massachusetts Cannabis Control Commission has proposed regulating deliveries of recreational marijuana by requiring delivery men and women to wear body cameras, reports the Boston Globe. If approved, the proposal would be part of a government-mandated security system that films customers accepting cannabis deliveries to their own homes and would allow law enforcement agencies to access the footage for any reason.

Michigan: Short's Brewing Teams-Up with Downstate Cannabis Company:

Short's Brewing Company is expanding into the marijuana business. Short's Brewing Company is partnering with Green Peak Innovations, which is based in Lansing, to produce a line of cannabis edibles and infused beverages.

North Carolina: Looser Liquor Laws Let You Buy More Than 1 Beer, Even in Dry Counties:

If the ability to buy multiple drinks at once and hang out with your dog at the bar appeals to you, your dream is about to come true. On Sept. 1, North Carolina's ABC Regulatory Reform Act kicks into effect, bringing with it tons of changes.

Wisconsin: It's Marijuana Versus the Alcohol Industry:

Wisconsin is widely known for two things — cheese and beer. Alcohol alone brings in an annual \$10 billion to the state's economy. However, after last year's referendum during the midterm elections, marijuana might cut into its profits, possibly in a big way.

Wisconsin: Life Expectancy Drops in State Due to Alcohol, Drugs:

Life expectancy in Wisconsin has dropped for two years in a row fueled by increased deaths from alcohol abuse and opioids, a report released Monday from the nonpartisan Wisconsin Policy Forum found.

Wisconsin: Brewery Recalls Beer Because Bottles May Explode:

Lakefront Brewery is recalling a beer because its bottles may explode. The brewery issued the recall Wednesday. Lakefront said the "My Turn Junk" kettle sour cherry beer was "deemed too volatile."

BUSINESS & LIFESTYLE NEWS:

FedEx Drops Ground Delivery for Amazon, Can UPS Be Far Behind?: The first shoe FedEx dropped over Amazon.com's ambition to become a full-fledged transportation and logistics carrier was not renewing its Express contract with the e-commerce giant for package delivery. Now the next shoe has fallen: FedEx said it will not renew its contract for ground delivery for Amazon.

Bottled Wine Narrowly Beats Out Canned Wine in Flavor: WICresearch has been studying wine-in-can products and recently released a market implications report to debut its findings. Though trendy, only 50% of those surveyed by WIC said they have tried canned wine before.

College Football Turns to an Unlikely Savior: Beer, Beer and More Beer: There are still prohibition laws banning the sale of alcohol in many places in Arkansas, but the state university's football stadium is no longer one of them. Beginning this fall, beer and wine will be sold in general seating areas of Razorback Stadium, where the announced attendance is down 14% over the past two years.

Retailers Aren't Ready for Emerging Mobile Technology: A report by WBR Insights indicates that retailers aren't prepared to support and adopt advanced mobile technologies in their businesses. Only 9% of 100 senior retail executives surveyed said their business is ready to support more advanced technologies like artificial intelligence (AI), chatbots and augmented /virtual reality (AR/VR).

How to Identify Off-Flavors in Beer: At times, bar and restaurant patrons send back a beer not because they don't like the style but because they claim it contains an "off-flavor"—an unpleasant taste or smell that in most cases shouldn't be present.

The Colleges with the Most Drug and Alcohol Arrests: The University of Wyoming isn't particularly known as a party school, but students there apparently do like to drink, and don't always do it wisely. It has the dubious honor of making the top of the list in a recent study of arrests at colleges for alcohol-related offenses. There were 189.6 of them per 10,000 students in 2017, an increase of 70.3% from 2015.

White Wine Emoji Application Denied for 3rd Time: There will be no white wine emoji — at least just yet. Kendall-Jackson winery has been thwarted for the third time in its quest to get a white wine emoji approved for use in text messages on smartphones across the world.

Why Warning Pregnant Women Not to Drink Can Backfire: In many areas of health policy, the best of intentions can lead to more harm than good. Such is the case with America's approach to alcohol and pregnancy. The best evidence shows that punitive policies — such as equating drinking while pregnant as child abuse and threatening to involve child protective services — can dissuade women from getting prenatal care.