

 CAPITAL

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## Keeping The Craft In A Craft Beer



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Craft beer's popularity has exploded in the last couple of years. Consumers (and the lawyers at Carrington Coleman) are drawn to high quality, complex brews made in small batches to ensure premium flavor and freshness. Big brewers have also sought capitalize on the popularity of craft beer by acquiring stakes in smaller breweries and by creative advertising calculated to appeal to craft brew consumers. The excitement surrounding craft beer is infectious, but the changing landscape can result in unanticipated risks.

For example, there is a pending class action against MillerCoors, LLC for falsely advertising Blue Moon as a craft brew. Blue Moon is brewed by MillerCoors, but is advertised as being "artfully crafted." Plaintiffs claim that Blue Moon cannot meet the definition of a craft beer, as defined by the Brewers association. The plaintiffs claim that MillerCoors, LLC's advertising misleads consumers. Time will tell whether these allegations will have an effect on advertising throughout the industry.

Another large brewing company faced similar legal issues when marketing domestically produced brews as "imported beers." Anheuser-Busch Companies, LLC produces Kirin Ichiban beer. Prior to the suit, Kirin was marketed as an imported beer from Japan. But the beer was actually brewed domestically. Plaintiffs brought a class action in Florida claiming they were harmed by Anheuser-Busch's allegedly misleading advertising. The class settled with Anheuser-Busch agreeing to change its packaging to include the statement that Kirin was "Brewed Under Kirin's Strict Supervision by Anheuser-Busch in Los Angeles, CA and Williamsburg, VA." Anheuser-Busch agreed to pay consumers with proof of purchase a maximum of \$50 per household.

In both these situations, complications arose because of discrepancies between industry definitions and consumer expectations. Creative advertising can lead to hidden liabilities within the changing legal landscape.

With all the changes in the regulatory and litigation environment, it is essential to stay abreast of current developments. But advertising is just one part of the puzzle. It is also important to keep abreast of the intellectual property, advertising, regulatory and other aspects of the industry. Thankfully, we love craft beer, and we're here to help. ■