



AT THE BAR WITH BOWDITCH

A Legal Blog for the Craft Brewing Community

Capitol Brew Duel

BY AIVI NGUYEN • MAY 20, 2015

The Budweiser commercial, “[Brewed The Hard Way](#),” aired during the 2015 Super Bowl. The commercial implied that craft brewers do not take their job as seriously as the global manufacturers. Budweiser’s implication did not go over so well, and it is reported that the advertisement was pulled after only a couple of days after its original airing. By that time, it was too late and the proverbial damage was done.

Craft brewers took to social media, media-media, and political media – yes, Congress. So, just like other intra-industry competitor disputes, this one has landed smack-dab under the Capitol Dome. In fact, Senator Susan Collins reinvigorated her push for legislation supporting the craft beer industry. H.R. 232 is a bill to amend the Internal Revenue Code by reducing the rate of excise tax on domestic beer produced by craft brewers. This bill’s short title is the “Small Brewer Reinvestment and Expanding Workforce Act” or the “Small BREW Act.” Believe it or not there is even a Small Brewers Caucus in Congress. In an interview, Senator Collins said “what I’m trying to do with that is give a boost to this industry which is becoming really important” in Maine.

Not to be outdone, the global manufacturers found sponsors for a competitor bill: To amend the Internal Revenue Code to reform and reset the excise tax on beer, and for other purposes. Short title: “Fair Brewers Excise and Economic Relief Act” or the “Fair BEER Act.” The suds are flying.

If your brewery is considering jumping into the political vat, consult with legal counsel. Corporate participation in the political, election, and legislative processes is a mine field of regulatory and legal rules, regulations, and laws. Done wrong, you will find plenty of regulators waiting to throw a hefty fine (or worse) your way. Done right, your brewery will achieve the competitive edge you want.

B&D’s government affairs and political practice has years of experience counseling corporations on developing and managing public policy initiatives.