

BC Beer Law: Craft Beer & Farmers Markets—Two Great Ways to Celebrate Summer in BC Are Finally Coming Together



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I don't know about you, but spring has always been my favourite time of the year. There's just something about those budding cherry blossoms, the promise of longer days, and the first, faint hints of summer that always get me excited after a dark, wet winter. Spring is also the time when the good folks who grow our food start preparing for the summer growing season, and if you're a gardener like me, you may have already started turning the soil and setting your mind to the kinds of tomatoes and kale that you'll be planting this year.

I grew up in a household where we grew as much of the food that we ate as we could, so I've always had a real love of local food and a strong appreciation for all the hard work that goes into getting something on my plate. In my humble opinion, farmers markets really are the best way to appreciate the brilliant array of fresh, local products that BC's farmers and artisans produce, as well as the amount of dedication, passion, and creativity that goes into the food we eat. You get to meet the people who grow your veggies and bake your bread, sample some fresh goods, and catch up with your neighbours while supporting local businesses. Sound familiar? Well, if you're reading this while you wait to fill a growler you'll probably know where I'm going with this. For me, the parallels between brewery lounges and farmers markets are pretty clear. Both spaces help foster a sense of

community by bringing like-minded people together, and both give small producers the chance to connect with their customers and neighbours in a way that's too often been lost in an age of mass production and retail conglomerates. Indeed, the craft beer movement and the local food movement are both great examples of what can happen when people with a shared appreciation for the traditional relationship between craft, business, and community come together. It's therefore pretty fitting that you'll soon be able to start buying and sampling local craft beer at a farmers market near you.

But just how did we find ourselves on the cusp of finally being allowed to brag a bomber of Persephone Double IPA or Powell Street Old Jalopy Pale Ale while we pick up our heirloom tomatoes and homemade kimchi? Well, if you visited one of Vancouver's farmers markets last summer you may have noticed a table set up with an empty cask on it and a sign that read, "FREE SAMPLES: not available—ask me why." The brainchild of the Vancouver Branch of CAMRA BC, the tables were part of their campaign to bring this initiative to the attention of the public and the provincial government. As Adam Chatburn, *BC Craft Beer News* contributor and president of CAMRA BC—Vancouver Branch recently told me, "We encouraged anyone to sign a letter in support [of liquor sales at farmers markets] which CAMRA BC then posted out individually in small batches over the whole summer. I think it was these letters that made the government realize CAMRA BC was a genuine stakeholder and maybe also helped them to realize that a [liquor law] review was sorely needed." Adam and his team subsequently met with Parliamentary Secretary to the Attorney General and Minister of Justice John Yap during his stakeholder meetings

and successfully made their case for craft beer sales at farmers markets.

On March 6, following the January release of Yap's report, the Province tabled its amendments to the *Liquor Control and Licensing Act* (Act). As far as this initiative is concerned, the pertinent sections are s. 53(3) and s. 86 to s. 91 of the Act. Specifically, s. 86 provides that manufacturers can apply to the Liquor Control and Licensing Branch (LCLB) for authorization to sell, serve, or offer samples of their products at 'events,' subject to certain conditions imposed by the LCLB, and subject to the Act's regulations (the amendments to which have not been made public at the time of writing). The types of conditions that the LCLB can impose are set out in s. 91 of the Act, and range from limits on the type of alcohol that can be sold at 'events,' to establishing the areas of an 'event site' where alcohol sales will be permitted. Without the regulations, the exact look of this initiative is unclear, but it definitely appears that the Province is on the verge of allowing BC's craft brewers to offer samples and sell their products at farmers markets for both on-site and off-site consumption. Municipal governments and health authorities will also have a big role to play in this initiative, and the final say on its implementation and overall look will be left to individual farmers market associations.

I reached out to the good folks behind the Vancouver Farmers Market and New Westminster Royal City Farmers Market to get their feedback on this initiative, and I'm happy to report that both associations confirmed that they plan to have craft beer sales at their markets this summer. Currently, both associations are awaiting further details from the Province, and once these are received they'll have a fair bit of work to sort out all of the logistics. However, the Vancouver Farmers

Market did confirm that they anticipate having two to three alcohol vendors at each market, while the Royal City Farmers Market mentioned that they plan to set aside at least one space for craft beer sales at each market. Regulations permitting, both associations hope that their customers will be able to enjoy craft beer samples too. To this end, Kevin McConnell of the Royal City Farmers Market told me, "Our customers love samples from our local bread, cheese, and fruit vendors so we hope breweries can share with them as well!" Both markets will also allow any BC brewery to participate, and the folks I contacted were really excited that craft beer will soon be sold and sampled at their markets. As Roberta LaQuaglia, Operations Manager at Vancouver Farmers Markets noted, "We're excited at the prospect of welcoming new demographics of shoppers to the markets. Our recent addition of food trucks to the markets really helped to make shopping at the markets more of an experience. Rather than coming early, stocking up on groceries and leaving, more shoppers are making a day of their visit. We think the addition of local craft beers and, eventually, local wines, will only add to the shopping experience."

As you'd expect, BC's craft brewers are also pretty

excited about the prospect of selling their products at farmers markets. As Dustin Sepkowski of Vancouver's 33 Acres Brewing Co. told me, "I'm a big supporter of the Vancouver Farmers Market. I purchase as much of my groceries from local suppliers as possible [and] I see the idea of beer sales being added to this mix as a neat opportunity to showcase local beer and create a conversation with our community... [This initiative is] another avenue for us to reach our health conscious and community-oriented friends [and] will help to concentrate the focus of craft beer in the immediate community." For Jordan Foss of New Westminster's Steel & Oak Brewing Co. the advantages of participating in this initiative are obvious: "For our business it would mean increased exposure to our demographic. As much as we may sell some growlers (and maybe we'll sell more than I expect) for us it is about getting our name and face out to our community and encouraging them to come to our tasting room or pick our product up at a private liquor store.... Community is what Steel & Oak is built upon, and being a part of the Royal City Farmers Market would allow us one more opportunity to meet our neighbours and connect with New West residents." The benefits of this initiative to his fellow

craft brewers are also clear to Foss: "It would mean increased sales and exposure for all breweries at an event that really coincides with the 'craft' philosophy. Farmers Markets are set up to encourage shopping local... and so are craft breweries like ours. Not only will it boost sales slightly but it will let people know that they can not only shop local for their produce and meat products but for their beverages as well, which I think would only encourage more people to attend local markets."

With the Vancouver Farmers Market and the Royal City Farmers Market scheduled to start up for the summer in May and June respectively, and 33 Acres and Steel & Oak both eager to come on board, I have a feeling that local craft beer will soon become a fixture at farmers markets across our province.

As if we needed another thing to love about summer in BC.

Carlos Mendes is a lawyer at Davis LLP in Vancouver where he advises clients in BC's craft beer industry on everything from licensing and distribution to general corporate and commercial law. He regularly writes about the issues that impact his clients and their thirsty customers on his blog and in various publications.

Craft trademarks: a serious business



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RIDDLE me this: you have legal documents, promises and potential name changes.

Is this a wedding?

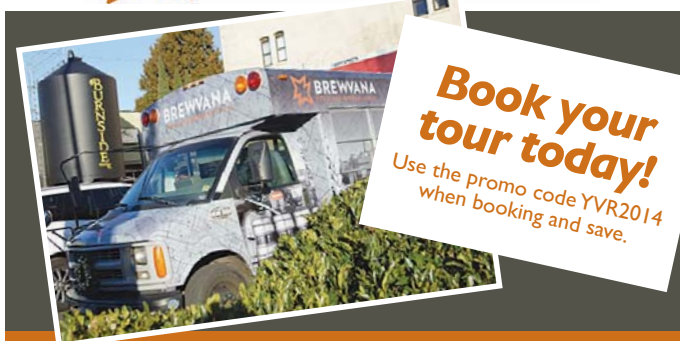
Nope, it's a brewery being hit with a cease and desist letter for allegedly infringing on someone's trademark. The craft beer industry is generally a friendly one but when it comes to this, breweries are protective of their names. Dogfish Head recently shared that they spent more on trademarks and trademark enforcement in 2013 than they did launching the company in 1995. That's a

lot of coin.

In the past, breweries didn't necessarily name their beers by anything other than the style (pale ale, honey brown ale, pilsner, etc.). Craft breweries have changed that, and these days you need to be a creative marketing genius or comedian to name a beer. Thus, coming up with a unique beer name is getting harder every day.

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