



5th August, 2021

Dear Friends of Macaloney Caledonian Distillery,

Thank you for supporting us during our legal dispute with the Scotch Whisky Association (SWA). Your social media posts have really helped raise awareness.

Please help us bring this punitive litigation to an end by writing to the SWA governing Council (more below) and by buying local craft single malt whiskies.

Background - A history of punitive legal attacks on craft distillers

The SWA's issue is that they claim we are trying to fool Canadians into thinking our whiskies are made in Scotland by using my family name 'Macaloney', the term 'Island', and the Gaelic words 'Inver' and 'Glen' (which are used in Ireland, Scotland and Canada). The other term the SWA takes issue with is 'Caledonian' which was the original name used for this region by the Scottish-Canadian fur traders before it was re-named British Columbia, and there are many Canadian businesses that use Caledonian in their name. The Gaelic words issue was previously settled in Canadian courts after 9 years when the SWA lost a similar lawsuit after 9 years which they had launched against Glenora Distillery in Nova Scotia for using Glen Breton as their trademark. In fact, Gaelic names are used by Scottish, Irish and Canadian producers, among others. [Scottish whisky reviewer Ralfy](#) recently opined that Canadians have as much right to celebrate their Scottish heritage and that the SWA and their multinational paymasters have no exclusive right to **'appropriate' Scottish culture** for the purposes of the Scotch industry. He also said the SWA's actions, funded by Scotch whisky profits, could backfire leading to a Scotch whisky boycott.

As many of you have observed, the SWA's 'big spirits' governing Council seem to be threatened by craft whisky and by our distillery's many gold medals including 'Worlds Best' and 'Canadian Best'. The SWA did not challenge us five years ago when I approached them to ensure label compliance with SWA guidelines, but only after we started winning awards.

The SWA has a track record of going after craft distillers who wish to celebrate their Scottish-diaspora heritage. For instance, craft distillers in Seattle, Washington and Portland, Oregon have been forced to back away from their own family name and Gaelic description because of the SWA's threats of lengthy and costly lawsuits. Many of you have called out the SWA and their governing Council for using their financial might to crush craft distillers.

Big spirits multi-national corporations govern SWA's actions

The [SWA web page](#) shows the SWA governing Council consists of representatives from 16 Scotch firms, 15 of which are **corporate multinational big spirits firms** and one is co-owned by a multinational food conglomerate. Apparently, this Council have veto powers on SWA direction. **DIAGEO** (~30% of Scotch malt capacity incl. Singleton, Talisker, Mortlach, Johnnie Walker) has three SWA Council seats, **Pernod-Ricard** (~19% of Scotch malt capacity incl. Glenlivet, Chivas Regal and Irish Jamesons) has two seats, **Edrington** (Macallan, Highland Park) has two seats, and **William Grants** (Glenfiddich, Balvenie) has two seats. There is zero craft representation on the SWA Council.

The SWA's actions do not match their words.

In their reply to many letters of support from consumers across Canada ([see SWA letter here](#)), the SWA say they need to protect against the use of *"a wide range of words and images that evoke Scotland in the public imagination. For example, terms most associated with Scotland, such as 'Loch' or 'Highland', or labels with tartan, bagpipes, or figures dressed in the traditional Scottish kilt"*. Macaloney, my family name, apparently is also evocative of Scotland as far as the SWA is concerned. However, SWA's governing Council members have ownership and control of **Bagpiper** (DIAGEO) and

McDowells (DIAGEO) - both Indian whisky brands, and **Jameson** Irish Whiskey (Pernod-Ricard-Chivas) was founded by Scottish lawyer John Jameson (a very Scottish family name). This places the SWA in a jaundiced light when they sue craft distillers for using Scottish names.

While the SWA **claim to be open to negotiation** in their response letters, we have seen **zero suggestions for compromise**. The SWA lawyers have called for non-binding third party mediation; the details of which would be confidential. We sincerely hope to find a win-win solution based upon clear country of origin labelling but if the outcome is that no agreement is reached then it will reinforce our concern that the SWA are just trying to run up our legal costs.

Public opinion matters - How you can help

Our situation was recently covered on national Canadian TV news: [CBC TVs The National](#) and [CTV News](#). Several whisky writers, in addition to [Ralfy](#), have expressed their opinions including Dominic [Roskrow's open letter to the SWA](#) and Ian Buxton in a Master of Malt blog '[SWA-guardian or bully](#)' with its 20+ lively comments, including a call for a Scotch boycott. These were summed up by Ian: *"The strength of feeling is quite apparent, which is something I understand and share"*. These are reminiscent of previous whisky writers' SWA comments including Malt Maniac [Johannes van den Heuvel's](#) boycott and [Dave Broom's 'Bagpipes at Dawn'](#) on DIAGEO's Scottish themed Indian whiskies Bagpiper and McDowell's No.1. which prophetically concluded: *"Where will this madness end? Will there be lawsuits to ban bars being given Scottish-sounding names... Could tartan and shortbread be next? You might think this the workings of an over-excited imagination, but if McDowell is now deemed to be an exclusively Scottish name...then whither all the Mcs and Macs around the globe?"* See also the related article '[Indian Whisky: Why it Matters to Scotch](#)'.

To help bring this SWA punitive litigation to an end **please email me at Graeme@MacaloneyDistillers.com** with the subject line 'SWA assistance'. I will provide you with the email addresses for the SWA Council members and key politicians whose portfolios span this topic, so you can voice your concerns directly to them in an email. They need to hear your opinion.

You can also post your support for Macaloney's and craft distillers on **your digital media channels** and tag us and the SWA wherever possible.

- Twitter (@ScotchWhiskySWA / @VCaledonian)
- Instagram (@scotchwhiskyswa / (@mcaledoniandistillery)
- Facebook (@mcaledonian)
- LinkedIn (@scotch-whisky-association / @macaloney-brewers-distillers-ltd)
- Reddit (www.reddit.com/r/Scotch/)

Together we can show that support of local, combined with consumer pressure, can be effective in avoiding punitive SWA-big spirits legal attacks.

Slàinte,



Graeme Macaloney PhD, Founder-Whiskymaker

