

TTB Raids Private Homes

Home beer and wine makers have nothing to fear. But if they choose to take the next step in the hobby and try their hand at turning any of their legal homebrew into whiskey, brandy, rum, vodka, or a myriad of other spirits, they had better prepare themselves for the wrath of the Alcohol and Tobacco Tax and Trade Bureau (TTB, formerly a division of the ATF). Many hobby distilling enthusiasts are now learning this unfortunate, and unnecessary, lesson the hard way.

While technically illegal, hobbyist home distilling has for years been largely ignored by law enforcement.. Hobbyists don't sell or distribute the limited amount of spirits they produce, and there is no reasonable justification for pursuing and/or prosecuting them. The vast majority of hobbyist home distillers are simply extending their love of home beer and wine making -- which has been legal for decades -- and trying their hand at the next step: converting their fermented concoctions into distilled spirits. Historically, only where hobby distilling crossed the line into illegal spirits sales did authorities become interested, quite justifiably, in pursuing and prosecuting illicit distillers. Hobbyist distillers are not the "bootleggers" or "moonshiners" of yore -- they are doctors, lawyers, and a host of other professionals who find home distilling to be a fascinating and rewarding hobby. They distill spirits only for their personal satisfaction, never for sale or profit.

The TTB's historic tolerance, however, is a thing of the past. In May of 2013, the TTB demanded sales records from major distillation equipment distributors reaching back to 2010, and required the ongoing forfeit of this information for every distiller or major distiller component sold, including the name and address of the purchaser! It now appears that this information is being utilized by the TTB as a target list. Purchasing as little as a simple boiling kettle from one of these companies may well earn you a visit from armed TTB agents. This is not hyperbole -- for many it is a cold reality.

In March of this year, the TTB and Florida Division of Alcoholic Beverages and Tobacco jointly raided private homes, confiscating a reported 46 distillers and arresting 8 people. To be clear, this was not 8 people possessing 46 distillers, but an estimated 46 individuals, the majority of whom possessed distillers capable of producing only very small amounts of distilled spirits.

These were not nefarious commercial operations. They were simple hobbyists.

Even the belief that distiller purchasers are presumptively producing illicit alcohol, thereby justifying raids, is fundamentally flawed. The very same equipment is required for those wishing to distill water, essential oils, vinegar, or virtually any other distilled liquid. Here, however, authorities assumed that the mere possession of equipment capable of distilling alcohol equated with actual production. On that logic, if you own a gun for any reason, you might well be presumed guilty of armed robbery.

In their most recent not-so-veiled threat, the TTB sent letters to a large group of distiller owners -- again, mostly hobbyists -- outlining the law and the associated penalties, and including a copy of their press release about their enforcement action in Florida.

What kind of resources are they devoting to this effort, and what benefit do they expect in return? Hobbyists are normal, law abiding Americans -- they aren't criminal organizations, they represent absolutely no threat to public health or safety, are not cheating the government of excise tax revenues from illicit sales, etc.

What public policy objective are they hoping to advance? I can't think of a good one.

Who benefits from these enforcement efforts? I honestly don't know.

And while this may be a technical point, it is the unavoidable truth that distilling does not actually make alcohol. Alcohol is produced in the fermentation process, when you make beer or wine, not when you distill. Distillation is simply separating compounds through the process of boiling and condensing, allowing you to remove impurities and other harmful compounds from the final product. Distillation does not "produce" anything that wasn't originally present in legal substances. So the question is, if you are allowed to legally create the alcohol, why are you not allowed to refine it, especially when it is solely for personal use, in the privacy of your own home?

Aside from the fundamental unfairness of treating hobbyist distilling so differently than home brewing or winemaking, is it worth spending scarce public resources to pursue individual citizens for a hobby instead of directing these resources to larger issues?

I believe these questions answer themselves. It is simply time to give hobbyist distillers the same legal rights as home beer and wine makers. Allow the TTB to focus on more pressing matters instead of harassing good citizens for a harmless hobby enjoyed in the comfort of their own home.

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