



SPIRITS

Macaloney's Caledonian Distillery v. Scottish Whisky Association

BY JANE MUNDY

WHAT'S IN A NAME? According to Shakespeare's Juliet, a name itself doesn't account for much. A Scottish term, however, is another matter. And now the BC Supreme Court is set to determine its worth and who owns such words and terms.

Like a modern-day David and Goliath battle, the Scottish Whisky Association has slammed Macaloney's Caledonian Distillery in Victoria, BC, with a lawsuit that's almost laughable, unless of course you are Graeme Macaloney. The SWA claims the distillery is trying to fool Canadians into thinking Macaloney whiskies are made in Scotland by using Graeme's family name.

It gets even more ludicrous: The SWA has a problem with the term "Island," the Gaelic words "Inver" and "Glen" (which are used in Ireland, Scotland and Canada). And it demands "Caledonian" be removed, which is the original name used by Scottish-Canadian fur traders before it was re-named British Columbia.

"Caledonian societies celebrating Burns suppers and the Highland Games stretch across Canada—Scottish culture adopted by Scots who were forced out or bought their way out and immigrated here," says Macaloney, a Scot expat who moved to Canada 30 years ago and a proud sponsor of the Victoria Highland Games and BC Highland Games.

HERE'S THE KICKER:

Macaloney Brewers and Distillers (MBD) has never used the term 'Scotch Whisky' on its Canadian distilled whiskies. In fact, a map of Vancouver Island is prominently displayed on its labelling and packaging.

Macaloney admits the SWA does good work by busting illegal counterfeit brands. On its website, the SWA states: "There are many ways to take unfair advantage of the reputation of Scotch Whisky and the SWA will take action to prevent the sale of misleadingly labelled products... There are many ways of suggesting that a

spirit is Scotch Whisky without actually using those words. Terms such as Loch, Highland or Glen may be used, or labels may include tartan, bagpipes or figures dressed in the traditional Scottish kilt."

When MBD opened in 2016, it contacted the SWA to understand their label requirements. At that time, the SWA did not object to the names "Macaloney" and "Caledonian." Interestingly, SWA got its knickers in a twist soon after MBD won awards, including "Canadian Best Single Malt" at the World Whiskies Awards in April 2021; "World's Best Peated Spirit" in the 2020 World Whiskies Awards and "Top Canadian Single Malt for 2021."

Maybe it boils down to SWA being sore losers. And the backlash is building. "A wee rant warms up the whisky," quips Ralfy Mitchell, Scottish undertaker and whisky world legend. "Bullocks! The SWA cannot take issue with this Canadian distillery using 'Caledonian.' They will be a laughing stock and offend fans," he rants on YouTube

(search Ralfy's World).

Other Canadian craft distillers, including Glenora Distillery in Cape Breton, use the word "Glen." The SWA asked Glenora to discontinue "Glen" on its Glen Breton whisky because it could be confused with Scotch whisky—despite the maple leaf on the label. In 2009, after an expensive seven-year lawsuit, "Glenora won because its name is indigenous to Canadian history and not the exclusive property of corporate multinationals. It's like calling your whisky red label and banning an art shop from using the word red," says Ralfy.

"Try calling yourself Caledonian Canadian Scotch and you will get more publicity than you could ever afford: controversy is free," says Ralfy. But at what cost? SWA is counting on intimidation tactics and litigation costs to make MBD back down, but Macaloney intends to fight the lawsuit in court.

"They're not going to tell me I can't use my name," he says.

Macaloney took me on a tour of the distillery. I wondered if the SWA would take issue with his kilt, or his Scottish accent. The 45-minute tour ends with two whisky samples chosen from five bottles. A chocolate and whisky tasting is an extra add-on: who knew sea salt chocolate pairs perfectly with peaty whisky? I learned a lot about whisky, such as a peat bog in the Olympic Peninsula, which is where MBD acquires peat, that used to be part of Caledonia.

For more information about the lawsuit, and if you want to book a tour, visit MBD's website. Even better, Graeme says you're welcome to drop by and have a pint of their excellent Twa Dogs beer and wait for the next tour to start. And Ralfy suggests boycotting Scotch in November—Canadian Whisky month. ■

