



**DEPARTMENT OF THE TREASURY
ALCOHOL AND TOBACCO TAX AND TRADE BUREAU**
8970 FEDERAL OFFICE BUILDING
550 MAIN STREET
CINCINNATI, OH 45202

NOTICE OF LITIGATION

The Alcohol and Tobacco Tax and Trade Bureau (TTB) has approved your basic permit application for a beverage distilled spirits plant (DSP) (PONL tracking #)

Ordinarily, 26 U.S.C. § 5178(a)(1)(B) and 27 C.F.R. § 19.52 prohibit a person from establishing a DSP in certain locations:

- In any dwelling house,
- In any shed, yard, or enclosure connected with any dwelling house;
- On board any vessel or boat;
- On premises where beer or wine is produced;
- On premises where liquors are sold at retail; or
- On premises where any other business is conducted except as provided in 27 C.F.R. § 19.54.

However, pursuant to court order, TTB may not apply this prohibition to some applicants. Opinion and Order, Hobby Distillers Ass'n v. Alcohol and Tobacco Tax and Trade Bureau, No. 4:23-cv-1221 (N.D.Tex. July 10, 2024). The U.S. Court of Appeals for the Fifth Circuit affirmed in relevant part. McNutt v. U.S. Dep't of Just., No. 24-10760 (Apr. 10, 2026). TTB approved your application because of the Fifth Circuit's decision.

Please be aware that the United States is seeking review of the Fifth Circuit's ruling. If the court's ruling is reversed, your permit may be subject to suspension and/or revocation if the application would have been subject to denial absent the court's ruling. Under those circumstances, TTB would communicate with you prior to beginning the suspension and/or revocation process.

If you have any questions, please contact TTB at 1-877-882-3277.