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Frost Brown Todd Files False Advertising Lawsuit Against Lexington Company on Behalf of Brough Brothers Distillery

Asks federal court to rule Brough Brothers is Kentucky's first African American-owned distillery

Frost Brown Todd (FBT) has filed suit in federal court asking it to rule that Louisville, Kentucky's Brough Brothers Distillery is the first African American-owned distillery in the Commonwealth. FBT filed the suit against Lexington-based Fresh Bourbon LLC, claiming unfair competition under federal and state law. It states that other companies marketing themselves as the first black-owned bourbon distillery in Kentucky are violating the Kentucky Consumer Protection Act and the Lanham Act.

Victor and Bryson Yarbrough founded Brough Brothers parent company Victory Global LLC in 2013. They joined with their brother Chris in 2018 to launch Brough Brothers Distillery by obtaining all the necessary state and federal permits. The brothers distilled and filled their first barrel of bourbon in December 2020.

"Brough Brothers is the only African American-owned distillery in Kentucky that holds Federal and State permits and thus authorized to distill in Kentucky," said FBT attorney Chris Robinson. "It is the first to register with the Federal Alcohol and Tobacco Tax and Trade Bureau and Kentucky's Alcohol Control Board; therefore, Brough Brothers is the only African American owned distillery legally producing bourbon."

"When we created Victory Global LLC, we recognized the absence of an African American-owned distillery in Kentucky and intended to be the first when we launched Brough Brothers Distillery," said CEO Victor Yarbrough. "We've worked tirelessly and followed all the legal and required steps to distill and fill our first barrel of bourbon

and are in the process of opening our doors to the public in spring 2021. There is no other African American owned distillery in Kentucky. We appreciate the opportunity to present our case before the court and look forward to their decision.”

FBT filed the case in the U.S. District Court Eastern District of Kentucky at Lexington.

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