ArentFox Schiff LLP
Attorneys

Nichole D. Shustack

PARTNER AND BEVERAGE & FOOD INDUSTRY GROUP CO-LEADER

Nichole is a strategic advisor to companies in the highly regulated alcohol beverage sector, working with global producers, distributors, retailers, and high-growth beverage platforms, among other key industry participants.

Industries

Beverage & Food
Cannabis
Consumer Products
Longevity & Healthspan

Practices

Food, Drug, Medical Device & Cosmetic
— Food & Agriculture

Education

Widener University School of Law, JD, 2011
Villanova University, BA, 2008

Offices

Washington, DC

Phone

202.350.3681

Email

nichole.shustack@afslaw.com

Nichole counsels public and private companies of every size, from household names to startups, on day-to-day operations and growth strategies, including compliance with federal and state regulations, trade practices, commercial agreements, distribution matters, and coordination of actual and potential recalls. She leverages nearly a decade of experience as in-house counsel at the Boston Beer Company to provide in-house legal teams at alcohol beverage companies with practical, business-minded guidance on regulatory challenges related to alcohol production, distribution, and delivery. Nichole also represents brands marketing ancillary or cross-category products and platforms, including hemp and cannabis products and retailer operation apps and technologies, at every phase of the product lifecycle.

Nichole's clients include premium liquor and beer brands, craft brewers and distillers, family wineries, national and international manufacturers and brand owners, importers, wholesalers, major retailers, e-commerce and media platforms, non-traditional beverage companies, startups, and third-party unlicensed companies that support or operate in the alcohol industry. She provides pragmatic, business-minded counsel to help companies ensure compliance with local, state, federal, and international laws, including Alcohol and Tobacco Tax and Trade Bureau (TTB) and FDA regulations and Extended Producer Responsibility laws and reporting obligations, while efficiently managing operations and protecting their brands. She counsels on alcohol delivery, distribution, and online sales, commercial agreements involving machinery, capital equipment, ingredients, packaging, and goods and services, sweepstakes and promotions, fundraising, commercial real estate investments, celebrity endorsements, charitable partnerships, and other strategic initiatives. In addition, Nichole counsels private equity clients on contemplated transactions and strategic growth investments in the alcohol beverage industry.

Prior to joining ArentFox Schiff, Nichole led the Alcohol group and co-led the Food and Beverage group at a national law firm.

Client Work

Nichole's notable experience includes:

— Advising a major craft brewer on domestic and global wholesaler contracts and transactions as

well as franchise, transfer of distribution rights, and litigation matters.

- Assisting one of the largest breweries in the US with the rollout of its hard seltzer brand, including counseling on formulation, labeling, compliance, and distribution.
- Representing a subsidiary of a multinational beverage company in the execution of a renewable energy services agreement for the $400 million development of a renewable natural gas anaerobic digestion facility next to the subsidiary's distillery.
- Overseeing the merger of two national beer producers, including counseling on a national wholesaler and sales consolidation and communications initiatives.
- Advising a non-alcoholic craft beer startup on its funding and growth trajectory.
- Representing a craft spirits brand in connection with its agreement to be acquired by a major craft beer producer.

Publications, Presentations & Recognitions

Presentations

Nichole is frequently asked to speak about alcohol beverage regulatory matters, including:

- Guest Speaker on Brewbound Podcast, "Crossover Drinks, NA Bevs and DTC Shipping," August 2024
- Speaker, National Conference of State Liquor Administrators (NCSLA) 2024 Annual Conference, June 2024
- Guest Speaker on Bourbon Pursuit Podcast, "Who Governs Alcohol Marketing? with Nichole Shustack," October 2022

Recognitions

Nichole is recognized as one of the nation's leading Food & Beverages: Alcohol lawyers by *Chambers USA*. In 2023, she was an ESG Impact honoree in *The Legal Intelligencer's* Professional Excellence Awards.

Bar Admissions

District of Columbia
New Jersey
Pennsylvania