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What has the Brexit process done to Scotch whisky?

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Abstract

Obviously, the United Kingdom's membership of the European Union does not have any impact on Scotch whisky in itself: Brexit or not, Scotch whisky is Scotch whisky. However, Scotch whisky features more prominently in the Brexit negotiation than, for example, beer, another alcoholic beverage. This is because Scotch whisky is a highly export oriented product which brings large economic benefits to the UK and Scotland and its brand is protected by the international regime of intellectual property rights protection, in particular, by the Geographical Indications regime championed by the EU. Moreover, the Brexit negotiation has led to the resurfacing of another political issue which affects Scotch whisky: Scottish independence. As a strong territorial brand, the constitutional status of Scotland is highly relevant to Scotch whisky and the investigation into the impact of the Brexit process on Scotch whisky has highlighted the inter-connectedness of various political issues. (146 words)

Keywords: Scotch whisky, Geographical Indications, Scottish independence, Scotch Whisky Association, economic contribution, Brexit

Scotch whisky, the Scotch Whisky Association and Brexit

Whether the UK ceases or not to be a member of the European Union (EU) will not alter Scotch whisky one iota. Scotch whisky remains Scotch whisky no matter what. However, when considering debates and discussions surrounding Brexit, Scotch whisky's trade body, the Scotch Whisky Association (SWA) does come into view as a major actor in the unfolding Brexit process. Why is the SWA so worked up about Brexit when it is clear that the UK's membership of the EU does not fundamentally affect the nature of Scotch whisky as a spirit? The article investigates this riddle by looking at the two aspects of Scotch whisky: the Scotch whisky industry and Scotch whisky the brand. It then turns attention to the strong territoriality of Scotch whisky as a reason why it is featured prominently in the on-going Brexit negotiation.

Scotch whisky is undoubtedly one of the most well recognised brands in the world. Simply put, Scotch whisky is 'a whisky produced in Scotland' which is a legal definition given in the Scotch Whisky Regulations 2009. The law provides more detailed conditions that need to be met for a whisky to be called 'Scotch whisky', including

- Made in Scotland from only cereals, water and yeast;
- Matured for a minimum of 3 years in oak casks;
- Bottled at a minimum strength of 40% abv;
- Distilled below 94.8% abv so that it retains the flavour and aroma derived from its raw materials;
- No flavouring or sweetening is permitted.¹

Naturally, Scotch whisky as an inanimate object cannot be a political actor on its own; its 'interest' has to be represented by a social agent such as the producer, seller or consumer. In this article, the

investigation into the impact of Brexit on Scotch whisky will therefore focused on the SWA, the trade body whose mission is to protect and promote Scotch whisky.

The SWA has been pursuing its mission mainly by working on legislation on brand protection and taxation domestically and internationally. The SWA's predecessor, the Wine and Spirit Brand Association, started to work to protect the industry against the possible fall-out of Lloyd George's 'People's Budget' of 1909. The association changed its name to the Whisky Association in 1917 and finally settled on the present one in 1942. According to the SWA, World War II reshaped the industry as well as the association's work. The association's urgent mission was seen as protecting the brand in the overseas markets in the early 1950s. The SWA also started to work with the UK Government in reference to taxation as well as regulation of the industry. The association was instrumental in having Scotch whisky defined in the UK statute as early as in 1933. Some of the association's domestic successes are to facilitate legislation of the Scotch Whisky Act of 1988 and the Scotch Whisky Regulations of 2009, both have clarified what Scotch whisky should be and provided legal means for the association to protect and promote its product.²

As with the majority of UK-based businesses and trade bodies, the SWA was firmly pro-Remain in the run-up to the 2016 EU referendum because of its concerns over trade. Its position was shared by major players in the industry such as Diageo and Pernod Ricard. The view that EU membership was vital for the health of Scotch whisky industry was shared with the UK Government. Liz Truss, the then Environment Secretary warned that Scotch whisky export could be at risk if the UK leaves the EU, adding: 'Leaving the EU would be a leap in the dark for our great British food and drink industry and could lead to years of negotiations on new trade deals - with no guarantees at the end'.³ David Frost, then the SWA's Chief Executive, described the EU's single trade policy as 'central' to Scotch whisky's success because 'it lets us trade across the EU simply and easily and helps give us fairer access to other overseas markets' echoing Truss's words but he did not forget to confirm his belief in Scotch whisky: 'We have been clear consistently about the trade benefits to Scotch Whisky of EU membership but we have also made clear that we are not "catastrophist" about Brexit and that Scotch whisky will be successful however the British people vote'.⁴

The Scotch whisky industry

Scotch whisky is a 'national drink' of Scotland and a global brand. It is also a major business in Scotland as well as in the UK. The SWA's *Scotch Whisky Economic Impact Report 2018* lists impressive figures: in 2018 the Scotch whisky industry provided £5.5 billion in gross value added (GVA) in the UK economy; the direct impact of the Scotch whisky industry in 2018 is estimated to be £3.8 billion with indirect impact estimated to be £1.7 billion; the export of Scotch whisky in 2018 was over £4.7 billion to around 180 countries; without the export of Scotch whisky, the UK's balance of trade deficit would be 3.3 per cent more than the current level; the Scotch whisky industry supports 42,000 jobs in the UK including 10,500 directly in Scotland and 7,000 in rural communities. There is no doubt that the industry is an important one in Scotland and in the wider context of the UK.⁵

As soon as the EU referendum result was confirmed, the SWA, like many other businesses and organisations, started to urge politicians to secure business certainty as soon as possible. The SWA's strategy appears to play a 'good citizen' card. It has never questioned the voters' judgement although the result was what it did not want. Moreover, it maintained its stance of respecting the

result of a plebiscitary process because it is a respectable institution in a democratic country. Still, the decision to leave the EU was not welcome. The SWA has, instead, framed the problem as politicians' inability to work out a clear process to facilitate a smoothest possible Brexit. It is not the voters to be blamed but the politicians for the unwanted outcome and its consequences.

In 2017, the SWA published its first briefing on Brexit, 'Scotch whisky and Brexit'. The briefing claims 'An industry of strategic importance to Scotland and the UK, Scotch Whisky is our global drink; a major manufacturing sector supporting 40,000 jobs, adding £5bn in value across the economy, and the single biggest net contributor to the balance of trade in goods' proclaiming the importance of the Scotch whisky industry to the UK. It continues: 'With annual exports of around £4bn to nearly 200 countries, the continuing growth of Scotch Whisky will be a litmus test of the success of the UK's exit from the European Union. Whilst Brexit creates challenges, there are also potential opportunities if the industry's priorities are delivered.' The importance of the industry is now defined as a criterion to judge the success of Brexit, again, emphasising the industry's significance at the same time as presenting positive, forward looking attitudes echoing Frost comments before the referendum. The briefing then lists five objectives it wants the UK Government to pursue:

1. As open a trade policy as possible, first securing existing EU trade deal benefits and then developing an ambitious agenda of new and refreshed Free Trade Agreements (FTAs);
2. Robust legal protection of Scotch Whisky in the UK, EU, and global markets;
3. Business certainty and consistency, by transposing EU single market legislation of relevance to Scotch Whisky into UK law;
4. Scoping out opportunities where a distinct UK approach could benefit domestic industry;
5. A domestic tax and regulatory agenda that delivers a platform for international growth.⁶

These are consistent with what the SWA has been engaged with in order to achieve its mission to establish, protect and promote Scotch whisky. Scotch whisky's importance to the UK economy is emphasised and in order to maintain it, trade policies needed to be sorted out quickly. The protection of the brand needs to be another priority and there is also a demand for a review of taxation.

Following the publication of the briefing in February 2017, the SWA compiled a wish list for a new UK parliament ahead of the General Election on 8 June 2017 in which it listed its priorities as 'to make a success of Brexit, secure a sustainable and competitive business environment, promote open markets and free-trade, safeguard Scotch against unfair competition, and encourage the responsible consumption of alcohol'. Clearly, Brexit was the top priority for the SWA and it urged the incoming new parliament to 'pursue a "best in class" trade deal with the EU that can be adjusted over time. The UK should also secure existing EU trade deal benefits with third countries, and develop an ambitious agenda of new and refreshed Free Trade Agreements ... Care should be taken to ensure frictionless and efficient customs procedures and robust legal protection for Scotch whisky in the UK, EU and in global markets'.⁷ The same combination of trade, IP protection and customs arrangement was repeated in the document.

As the negotiation between the UK Government and the EU progressed at the snail's pace, the SWA issued another briefing, *Scotch Whisky and Brexit*, in May 2018 to welcome the agreement between

the UK Government and the EU that there would be a transition period till the end of 2020. The 2018 briefing contains a 'Brexit checklist' of five items: the transition period, clarity on customs and duty rules, strong trade links with the EU and global markets, robust legal protection and domestic reforms. Having gone through the checklist, the briefing lists three priorities for the UK Government: confirmation of transition period details, getting product to market after December 2020 and introduction of a legislative framework for Geographical Indications (GIs) in UK law. It then implores the UK Government to engage with the industry by setting up a 'formal, permanent trade stakeholder advisory network' with 'a defined, formal role in advising Government on trade negotiations, market access issues and trade disputes'. The briefing's tone suggests the SWA's view that the government was not very reliable when it comes to making progress in the Brexit negotiation and frames the Brexit as a problem of incompetent politicians. This was repeated in the statement by Karen Betts, Chief Executive of the SWA, on the publication of the Withdrawal Agreement with the EU made on 15 November 2018: 'Our industry has consistently called for clarity over what that UK's new relationship with the EU will look like in practice, particularly on the continued protection of geographical indications, customs procedures and future trade policy' betraying a sense of frustration with the state of the negotiation. Betts made it clear in the statement that the SWA was completely against a no-deal Brexit which would incur tremendous cost on the Scotch whisky industry and expressed her support for the Agreement: 'The Withdrawal Agreement is a compromise, but it is a positive step towards much needed business certainty'.⁸

Betts described to avoid a no-deal Brexit as 'imperative' in an interview with a trade journal, Scotchwhisky.com and stated a no-deal Brexit would 'damage our industry by forcing cost and complexity into the production and export of Scotch whisky'. From the SWA's point of view, a no-deal Brexit scenario was proof of politicians' incompetence, and in its statement welcoming the postponing the exit from the EU to the end of October 2019, it says:

'It is vital that MPs use this additional time wisely. If politicians' positions over the next six months are as intractable as they have been over the last two years then we will be back in exactly the same position in October. A lack of agreement in October will pose our industry real challenges because at that point we will be entering our busiest time of year.

The current uncertainty is making business decisions across the Scotch Whisky industry difficult, and we have spent millions of pounds on no-deal planning. The substantial costs we have incurred is money that could have been spent more productively in continuing to stimulate growth in our industry and in boosting exports'.⁹

In the SWA's statements, it is clear that Brexit matters to Scotch whisky because it would disrupt the trade regime under which Scotch whisky has been successful as an export product. The SWA has been working hard to mitigate any adverse effect of Brexit on Scotch whisky. The SWA's strategy in the Brexit negotiation is to respects the voters' decision and it has joined other businesses in attributing difficulties in the negotiation, in particular, the no-deal scenario, to incompetent politicians. The SWA has, in other words, framed the Brexit issue as a morally neutral business problem, not a constitutional one which in the case of Scotch whisky has a peculiar resonance due to the unresolved constitutional issue about the place of Scotland in the UK.

Scotch whisky the brand

Marketers categorise Scotch whisky as a 'place brand' or 'territorial brand'- a product identity that is built on its association with a particular place/location on the surface of Earth. Scotch whisky is not only a strong territorial brand but also a nationally defined brand as 'Scotland' can invoke both a place and a nation, albeit stateless one. In this regard, Scotch whisky also belongs to the category of national food and as such it occupies an interesting position in an inquiry into food and nationalism, also occupying other papers in this special issue.

Given the importance of the industry to the Scottish and UK economy, it is unsurprising the SWA has been working fiercely to establish, protect and promote Scotch whisky the brand both in the UK and abroad. Internationally, the association's work to secure Scotch whisky the brand has been focusing on Geographical Indications (GIs) and trademark. A GI is a type of intellectual property (IP) rights and its most prominent proponent is the European Union (EU). The EU defines it as: 'A geographical indication is a distinctive sign used to identify a product as originating in the territory of a particular country, region or locality where its quality, reputation or other characteristic is linked to its geographical origin.'¹⁰ This is in line with the understanding of the World Trade Organization (WTO): 'A product's quality, reputation or other characteristics can be determined by where it comes from. Geographical indications are place names (in some countries also words associated with a place) used to identify products that come from these places and have these characteristics (for example, "Champagne", "Tequila" or "Roquefort")'.¹¹ The prime function of GIs is to facilitate free trade by providing relevant and reliable information about the product to the consumer, a tool of free trade that is regulated by international organisations such as the Court of Justice of European Communities and the WTO.

Because GIs are a form of IP justified by the linkage to a particular geographical area, they are seen as marketing tools as well as tools for developing rural economies. The value of GIs as a marketing tool has been extensively explored. The chief strength of GIs has been identified as a marketing tool – that is, their capacity to differentiate commodity products by associating them to unique quality characteristics associated with a particular location or quality images that are based on the history, tradition, and folklore in a region. While GIs are not without some drawbacks, differentiation in general is a positive quality because it can allow the sellers to command higher premiums on the product, which explains why producers are in general favourable to defining a GI. It is also expected that a successful definition of a GI leads to the promotion of tourism.

The status of Scotch whisky as a registered GI under EU laws is guaranteed by a) the Technical File for Scotch Whisky, a legally-binding document which sets out the reputation, characteristics and general requirements for Scotch Whisky and b) the Verification Scheme operated by the Her Majesty's Revenues and Customs (HMRC) since 2014. Furthermore, Scotch whisky is recognised as a GI in a number of other countries including New Zealand and as a trademark in countries such as South Africa. One interesting form of protection of Scotch whisky the brand is given by the United States government. The US Federal Law defines Scotch whisky as '*a distinctive product of Scotland manufactured in Scotland in compliance with the laws of the United Kingdom*', which confers benefits from fair competition legislation to Scotch whisky. The SWA claims that it has facilitated to gain and maintain these recognitions, which should protect the integrity of Scotch whiskey the

brand. The brand of Scotch whisky is therefore established, protected and promoted by its being deeply entangled in complex webs of regulation at different levels.

As seen above, in the Brexit negotiation process, the SWA has repeatedly urged politicians to come up with an alternative system which protects the GI conferred to Scotch whisky by the EU, which can be globally enforced. As GIs are a kind of intellectual properties, in order to maintain Scotch whisky's internationally recognised special status, the new, alternative system needs to be embedded in the existing global systems of regulation so as for it to be globally enforceable. While Brexit does not matter to Scotch whisky itself, the value of its brand is at risk due to its reliance on the GI system in brand promotion.

Scotch whisky and the constitutional question

The result of the EU referendum was doubly troubling to the SWA. The fact that the leave side won meant stability and predictability which any business would crave for were lost, which is often presented as the major concern of the SWA. However, a more troubling aspect is the resurgence of the constitutional question. While the UK as a whole voted to leave the EU, Scottish constituencies voted to remain: the share of Remain vote in Scotland was 62.0 per cent, which was the highest in the UK (excluding Gibraltar with 95.9 per cent voting to remain). This threatened to re-open the constitutional question on Scotland, which the SWA would not welcome. As a matter of fact, in response to the speech on a possible second independence referendum by Nicola Sturgeon, First Minister of Scotland, in March 2017, the SWA issued a statement that 'it's important that the government works hard to ensure that the Scottish business environment is competitive, regardless of the constitutional debate' while emphasising the Scottishness of Scotch whisky: 'Scotch Whisky must be made in Scotland. The industry is rooted in Scotland and will continue to invest in its people, operations and world-famous brands'. Brexit matters to Scotch whisky, or more precisely the SWA because it has reignited debates on a constitutional question, that is, the place of Scotland in the United Kingdom. In this regard, it is worth examining the SWA's response to the election of the SNP minority government in 2011 and the Scottish independence referendum in 2014.

The Scottish independence referendum took place on Thursday, 18 September 2014. The eligible voters (British citizens residing in Scotland, other Commonwealth citizens residing in Scotland, the EU citizens residing in Scotland and others) were asked to say 'yes' or 'no' to the question 'Should Scotland be an independent country?'. The referendum was won by the 'no' side with 2,001,926 votes (55.3 per cent of the vote cast) at the record high turn-out of 84.6 per cent. There are a number of consequences of the referendum and its campaign. The referendum is widely credited to have re-invigorated political participation in Scotland as the record turn-out suggests; the referendum was meant to serve as a catalyst for further work on devolution across the UK; it appeared that the future of the Union as well as the health of Scottish economy were secured. The 2014 Scottish independence campaign was also meant to be a practice run for a possible referendum on the UK's EU membership.

The 2014 independence referendum came about due to confluence of various developments in the UK. The devolutionary measures including the opening (or reconvening, depending on the view) of the Scottish Parliament undertaken by the Labour government that came in power in 1997 did not kill of the forces seeking for Scottish independence as expected, and the agitation for an

independence referendum gathered momentum with the election of an minority Scottish National Party (SNP) government as the result of the 2007 Scottish election as the SNP fought the election with a manifesto commitment of holding an independence referendum by 2010. While the SNP minority government had to withdraw its bill proposing independence having failed to secure parliamentary majority in 2010, the SNP won the 2011 Scottish election to form a majority government. Subsequently, the UK Government started to negotiate with the Scottish government in regards to the legal basis of the proposed referendum and its terms. The result was the Edinburgh Agreement of 2012 which formally committed both governments to hold a referendum on Scottish independence and to respect the its result. The Scottish Parliament subsequently passed the Scottish Independence Referendum (Franchise) Act in 2013 paving the way to the referendum.

The referendum campaign was heated. On the 'yes' side was 'Yes Scotland' supported by the SNP, Scottish Green Party and Scottish Socialist Parties, and on the 'no' side was 'Better Together' supported by the Conservative, Labour and Liberal Democratic Parties. There were a number of public meetings held across Scotland by both bodies which were on average well-attended and a series of televised debates. The campaigning was fierce in both online and print media. While the campaign by 'Yes Scotland' is reported to have concentrated on conveying a positive image of future Scotland as an independent country, Better Together's campaign was labelled as the 'Project Fear' focusing on possible disadvantages an independent Scotland could face. Just as other organisations in Scotland, the SWA, an industry body tasked to establish, protect and promote a strong territorial brand, a national drink of Scotland, was forced to engage with the campaign.

What is worth recalling here is the SWA's reaction to the establishment of a new SNP majority government in May 2011. The SNP's credential in putting Scotland first was firmly established, and if the Scotch whisky industry was fully integrated in banal and rather passive nationalist endeavours focusing on defining the nation's identity and on promoting it, an SNP-majority government would be seen as largely positive. The SWA's reaction was one of caution. It prepared a briefing sheet for the Members of Scottish Parliament (MSPs) emphasising the industry's contribution to Scottish society and economy, which was widely known and acknowledged by political parties in Scotland, and extolled them to work even harder to protect and promote Scotch whisky. In particular, the SWA was opposed to the SNP's manifesto commitment to introduce minimum unit pricing (MUP) for alcohol, arguing that it was ineffective and most likely illegal in many jurisdictions, while also publicly stating its continued support for the Scottish Government Alcohol Industry Partnership to tackle alcohol-related problems such as alcohol misuse. The SWA's uneasiness with the SNP government was mostly spelt out in its opposition to MUP, not with reference to any aspect of a nationalist project. Their concern over the prospect of referendum was framed in a language of business referring to stability and predictability that were deemed to be essential for the industry's success.

Despite the emergence of an ethno-cultural attachment to the Scottish polity within it, and that of being co-opted into a nationalist project to promote Scotland in some ways, the Scotch whisky industry demonstrated a degree of autonomy as a private sector actor in the 2014 Scottish independence referendum. While acknowledging the firm and inseparable link between Scotch whisky and Scotland, the SWA prioritised its concern for ensuring stability and predictability as a business over its support for the possible advantage of defining Scotland more clearly with independence. It appears the SWA was very mindful not to appear 'anti-Scottish' in the

independence referendum debate by striving to be a neutral participant. For instance, its 2013 annual review clearly acknowledges the importance of the forthcoming referendum in 2014, as articulated in the words of David Frost, the then Chief Executive:

The people of Scotland face a historic choice in September's independence referendum. The implications are huge and the basis for the eventual decision needs to be fully discussed. So I make no apology for dealing with it at length.

Frost then goes on to emphasise the Scottishness of Scotch whisky and the Scotch whisky industry:

This industry is in a special position in this debate. We can make Scotch Whisky only in Scotland and our brands are indissolubly linked with it. 35,000 jobs depend on the industry. Our operations are at the heart of many communities around Scotland and we sustain economic activity in rural and remote areas that might otherwise have difficulty in attracting it.

Still, he brings the reader's attention to the factors that have supported the success of the industry rather than to the possible advantage the industry may acquire should independence result from the referendum:

In short, as we consider the potential impact of constitutional change, we look for reassurance on how an independent Scotland could deliver a business, regulatory, and export environment at least as supportive as that which the industry currently enjoys.

Whatever the result on 18 September, we are committed to working with government in the future to deliver sustainable economic growth – either helping to shape the policy regime for an independent Scotland or engaging in the debate about further devolution. That is what the people of Scotland would expect and it is what I am determined to deliver.¹²

In the Scottish independence referendum campaign, the SWA maintained a pro-business stance in order to avoid dragged into a debate on being pro-Scotland or pro-Union which could jeopardise what makes Scotch whisky a strong territorial brand: its identification with Scotland. Its pro-business stance placed importance on stability and predictability, which were naturally associated with the 'no' vote because it meant to maintain the status quo, but the SWA kept repeating that they would respect Scottish people's decision presenting themselves as democratic (another prominent theme in the referendum campaign). In its policies, the business interest in trade was carefully balanced with the necessity to maintain strong association with Scotland. As soon as the referendum delivered the result, which the SWA was most likely hoping for, it went on to strengthen its image as a supporter of Scotland by making contribution to the Smith Commission. Thus, the SWA negotiated a potentially very tricky development deftly and came out as a 'winner' at the end.

What Brexit would do to Scotch whisky

Because of the national character of Scotch whisky, the SWA has to deal with the constitutional question about Scotland with extra care. Scotch whisky as a brand is not only built on a clear and distinct identity of Scotland but also regulated and protected by webs of legislation at the Scottish,

UK and international levels. The SWA's peculiar position was highlighted in the 2014 Scottish independence referendum campaign, which the SWA negotiated deftly by maintaining neutrality without damaging the Scottishness of the product or jeopardising the protective framework surrounding Scotch whisky. The SWA's position with the EU referendum of 2016 was much more clearly defined. As with the majority of businesses, it was on the side of 'Remain, which was also the SNP-led Scottish government's position. With the shock result to leave the EU, it is now engaged with arguably even more difficult negotiations to achieve its mission to protect and promote Scotch whisky.

In the aftermath of the EU referendum, the SWA has behaved in a similar manner to many other businesses and organisations by framing Brexit as a problem of incompetent politicians, and has continued to focus on three major policy aspects to protect and promote Scotch whisky: to secure a good trade deal with the EU where 40 per cent of exported Scotch whisky ends up, to figure out how to maintain GI protection on Scotch whisky and to come up with an efficient customs and duty arrangement. Comparing its behaviour regarding Brexit with that towards the Scottish independence referendum, a few points emerge. First the SWA has been careful not to be seen as undemocratic or undermining democracy by challenging the results of the referenda. In both cases, it is acting as a good citizen accepting and respecting people's verdict. However, in the aftermath of the EU referendum, it has resorted to framing the problem as a politicians' competence issue in order to express its frustration with the result. Secondly, the complex webs of regulations in which Scotch whisky is embedded clearly emerges from the SWA's response to the Brexit negotiation. This highlights the increasingly intertwined nature of life in an increasingly globalised world. Thirdly, while the EU referendum was not supposed to be about Scotland's constitutional position in the UK, the referendum result has again highlighted the difference between Scotland and many other parts of the UK in the degree of appreciation of EU membership, which has brought back the Scottish independence question. The independence question is trickier for the SWA to navigate because of the strong territorial nature of Scotch whisky the brand and its strong identification with Scotland the nation.

Obviously, the UK's membership of the EU does not have any fundamental effect on Scotch whisky as alcoholic beverage. However, Scotch whisky the brand has been built, protected and promoted in a very complex web of regulations at various levels in an increasingly globalising world. In this regard, Brexit matters to Scotch whisky as an industry and as a brand. The industry is concerned with trade policies as well as customs and duty arrangements because they directly affect export of Scotch whisky, access to market and cost of doing business in general. How to protect and enforce intellectual property rights in a globalising world matters more to Scotch whisky the brand. The value of the brand is protected by GI recognition which is mainly enforced by the EU and trademark policies across the world, and the prospect of Brexit brings uncertainty as to how to maintain the exclusiveness of Scotch whisky the brand. An investigation into the SWA's responses to two sets of constitutional questions, the 2014 Scottish independence referendum and Brexit, has highlighted how intertwined and inter-dependent our life is in the twenty-first century. Food, as the essential to sustain life, can shed clear light on what globalisation means on the ground.

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- ¹¹ <https://www.scotch-whisky.org.uk/insights/protecting-scotch-whisky/legal-protection-in-the-uk/> last accessed on 2 June 2019
- ² Scotch Whisky Association *A Century of Protecting and Promoting Scotch Whisky*, Edinburgh: The Scotch Whisky Association, 2012.
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- ⁴ *Ibid.*
- ⁵ The Scotch Whisky Association *The Scotch Whisky Economic Impact Report 2018*, Edinburgh: The Scotch Whisky Association, 2019.
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- ¹² Scotch Whisky Association 'Frank and Constructive Debate', statement published on 10 July 2014 available from http://www.scotch-whisky.org.uk/news-publications/blog/frank-and-constructive-debate/#.VGn0_MmAXhk (accessed on 17 November 2014) and Scotch Whisky Association 'Scottish Referendum 2014', a statement issued on 19 September 2014, available from <http://www.scotch-whisky.org.uk/news-publications/blog/scottish-referendum-2014/#.VGnzs8mAXhk> (accessed on 17 November 2014).