



COLORADO

Department of Revenue

Enforcement Division – Liquor & Tobacco

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BULLETIN 19-05

REFERENCE: CLASSIFICATION OF “HARD SELTZERS,” “HARD SODAS,” “SPIKED SELTZERS,” AND SIMILAR PRODUCTS

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Colorado Liquor Enforcement Division

The Liquor Enforcement Division (LED) is publishing this bulletin to clarify the classification of “hard seltzers,” “hard sodas,” “spiked seltzers,” and similar products under Colorado law (collectively “hard seltzers”), which are produced from a brewed-malt or brewed-sugar base combined with carbonated water and added flavor. For the reasons discussed below, hard seltzers fall within the definitions of malt liquors and fermented malt beverages contained in the Colorado Liquor Code.

Under Colorado law the terms “Malt Liquor” and “Fermented Malt Beverage” include beer and any beverage “obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination thereof, in water containing not less than one-half of one percent alcohol by volume.” *See* §§ 44-3-103(18), (30) and 44-4-103(1), C.R.S. The Alcohol and Tobacco Tax and Trade Bureau’s (TTB) regulations define “Beer” to include “fermented beverages . . . brewed or produced from malt, wholly or in part, *or from any substitute for malt.*” 27 C.F.R. § 25.11 (emphasis added). Sugar is one of the permitted substitutes for malt in beer. 27 C.F.R. § 25.15. Based on TTB regulations, hard seltzers are beer because they are produced from either brewed-malt or brewed-sugar.

Thus, because hard seltzers meet the definition of beer, they are malt liquors and fermented malt beverages under the Colorado Liquor Code and Liquor Rules.

If you have any questions about this bulletin, email the LED at dor_led@state.co.us