



**COLORADO**

**Department of Revenue**

Enforcement Division - Liquor & Tobacco

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## **BULLETIN 16-03**

**REFERENCE: IMPROPER SALES OF FERMENTED MALT BEVERAGES**

March 2, 2016

### **Colorado Liquor Enforcement Division**

The Liquor and Tobacco Enforcement Division (Division) has received several complaints of Retail Liquor Stores (RLS) selling Fermented Malt Beverages as described in the Colorado Beer Code.

Section 12-46-103(1), C.R.S. states:

"Fermented malt beverage" means any beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any similar product or any combination thereof in water containing not less than one-half of one percent alcohol by volume and not more than three and two-tenths percent alcohol by weight or four percent alcohol by volume; except that "fermented malt beverage" shall not include confectionery containing alcohol within the limits prescribed by section 25-5-410 (1) (i) (II), C.R.S .

Section 12-47-407(1). C.R.S. states:

A retail liquor store license shall be issued to persons selling only malt, vinous, and spirituous liquors in sealed containers not to be consumed at the place where sold.

A specific complaint mentions the Lindeman's Lambic as one of the items in the RLS which has an alcohol content of 2.5%. Wholesalers must also ensure they are not delivering this or any other fermented malt beverage to a RLS.

Section 12-47-406(1)(b)(I), C.R.S. states:

A wholesaler's beer license shall be issued to persons selling malt liquors at wholesale who designate to the state licensing authority on their application the territory within which the licensee may sell the designated products of any brewer as agreed upon by the licensee and the brewer of such products for the following purposes only:

(B) To take orders for malt liquors at any place within the territory designated on the license application and deliver malt liquors on orders previously taken to any place within the designated geographical territory, if the licensee has procured a wholesaler's beer license and the place where orders are taken and delivered is a place regularly licensed pursuant to the provisions of this article.

The Division has asked their Investigators to follow up and check products upon inspections to ensure the products being sold do not include fermented malt beverages, where prohibited. This notice serves as a caution and warning to check on shelf products and delivery products to ensure they meet the correct requirements for sale and delivery according to the specified liquor license issued for your specific premises.

Questions concerning this bulletin can be sent to [dor\\_led@state.co.us](mailto:dor_led@state.co.us). or call us at 303-205-2306.