

WINE & BEER COCKTAILS

1. ARE THEY LEGAL?

Can alcoholic beverage recipes using mixes of liquor with wine (such as some Sangria recipes which use both brandy and wine), or liquor mixed with beer (such as "Corona-Ritas") be prepared and sold at a DABS retail licensee?

The answer is, that it depends.

2. LIMITING ALCOHOLIC BEVERAGES PER PERSON

To begin, let's remember that a patron of a DABS full-service retail licensee (i.e. full service restaurant, bar, banquet, reception, hotel, resort, airport lounge) may not have any more than two *alcoholic products* of any kind in front of them at a time. Only bars can have two spirituous drinks and single event patrons may only have one drink of any kind. 32B-4-422 & 32B-9-305

3. PORTIONS that define ONE ALCOHOLIC PRODUCT (32B-5-304):

One alcohol product is considered to be:

- One spirituous drink is a shot or cocktail which contains up to 1.5 ounces of a metered primary liquor and may include, when mixed together, up to 2.5 ounces of liquor flavoring in total.
- An individual portion of wine is no more than 5 ounces.
- Heavy beer - One portion of this alcoholic product, in its original container, is not to exceed 1 liter.
- Beer - One portion of beer for an individual is not to not exceed 1 liter.
- Flavored Malt Beverage - One portion of an FMB is not to exceed 1 liter.
- Any product that contains at least .5% alcohol by volume.



LEGAL!
But it is two drinks – Not One

4. DETERMINING IF IT IS ONE OR TWO DRINKS



Since the statute does not regulate non-alcohol flavorings, there is no limit on the use of those. They may be used freely in mixing alcoholic beverages. However, alcoholic flavorings refer to it being a *spirituous* alcohol product in 32B-5-304(1). It states:

- a. A "*spirituous liquor*" need not be dispensed through a calibrated metered dispensing system if used as a *secondary flavoring*" and
- b. "*The secondary ingredient*" may be dispensed only in conjunction with the purchase of a primary spirituous liquor and
- c. "*The secondary ingredient*" may not be *the only spirituous liquor* in the beverage.

There is no express language in statute that allows any other type of alcoholic product to be used for

flavoring other than spirituous alcohol. Furthermore, there is no express language that allows the mixing of those products together into a single portion. Thus, wine and beer cannot be used as flavoring to make a one-portion cocktail. However, they may be combined if it is understood that the combination is still two drinks.

If one alcoholic portion of wine or beer are combined into one container with a spirituous liquor, this would be considered *two* drinks.

A patron may, therefore, have no more than *one* of these combined drinks (now considered two portions) in front of them at a time at any full-service retail licensee or bar and never at a Single Event.