

# LIQUOR & TOBACCO ENFORCEMENT DIVISION

## Wine & Spirits Importer's Information

*Excerpts from Colorado Statutes for wine & spirits importers.*

**Section 12-47-103(36) C.R.S.** "Spirituous Liquors" means any alcohol beverage obtained by distillation, mixed with water and other substances in solution, and includes, among other things, brandy, rum, whiskey, gin, and every liquid or solid, patented or not, containing at least one-half of one percent alcohol and which is fit for use for beverage purposes. Any liquid or solid containing beer or wine in combination with any other liquor except as provided in subsections (19) and (39) of this section shall not be construed to be malt or vinous liquor but shall be construed to be spirituous liquor.

**Section 12-47-103(39) C.R.S.** "Vinous Liquors" means wine and fortified wines which contain not less than one-half of one percent and not more than twenty-two percent alcohol by volume and shall be construed to mean alcohol beverage obtained by the fermentation of the natural sugar contents of fruits or other agricultural products containing sugar.

**Section 12-47-404 C.R.S.** A importer's license shall be issued to persons importing vinous or spirituous liquors into this state for the following purposes only: to import and sell such liquors to wholesale liquor licensees; to solicit orders from retail licensees and sell such orders through wholesale licensees. **Such license shall not permit the licensee to maintain stocks of alcohol beverages in this state.**

**Section 12-47-901(3) C.R.S.** It is unlawful for any person to import or sell any imported vinous or spirituous liquor in this state unless person is the primary source of supply in the United States for the brand of such liquor imported into or sold within this state and unless such person holds a valid importer's license issued under the provision of article 47. (The selling activities of the licensed importer's employee are covered under the importer's license.) Such importer may be authorized by the state licensing authority to import and sell, under and subject to the provision of his license, any brand of vinous or spirituous liquor for which he is not the

primary source of supply in the United States, if such licensee is the sole source of supply of that brand of liquor in the state of Colorado.

**Regulation 47-924** At least thirty (30) days prior to shipment of wine & spirits into the state of Colorado, such licensed importer shall submit to the state licensing authority a complete report, on forms prepared and furnished by the state licensing authority (DR 8440), which shall detail: the licensee's name and license number; the designated Colorado licensed wholesaler(s); the name of the U.S. primary source of supply; the products to be imported, including the brand name, class or type, and fanciful name; and a copy of federal brand label approval for each brand. The import licensee, if not the product manufacturer, shall also include with said form a separate letter from the primary source of supply designating such import licensee as the sole source of supply in Colorado. A separate form is required for each primary source.

**Section 12-47-901(3)(R) C.R.S.** It is unlawful for any person licensed as an importer of vinous or spirituous liquors pursuant to this article to deliver any such liquors to any person not in possession of a valid wholesaler's license.

**Regulation 47-406** It is hereby required that **all** alcohol beverages shall be the sole and exclusive property of and subject to the unrestricted power of disposal of a duly licensed Colorado wholesale dealer at the time of such alcohol beverages cross the Colorado state line and are imported into this state for the purpose of being sold, offered for sale or used in this state. (Importers and their employees or agents may not take possession of such alcohol beverages for sale or use in this state).

**Section 12-47-308 C.R.S. and Regulation 47-322** Manufacturers, wholesalers, and Importers and their agents or employees may not attempt to control a retail licensee's product purchase selection by engaging in unfair trade practices or completion.

*(Please contact the Colorado Liquor Enforcement Division at 303-205-2300 for more detailed information on Unfair Trade Practices.)*