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Governor



**Ray A. Perry**  
Secretary

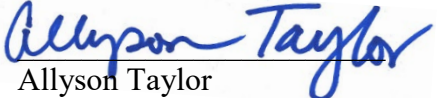
**Allyson Taylor**  
Commissioner

August 31, 2021

Today the Department of Alcoholic Beverage Control (“Department”) issued AO 2021-003, which reverses 2020-ABC-003. Issued earlier this year, AO 2020-003 interpreted wine spritzers containing less than 7% alcohol by volume to be “weak ciders” under KRS 241.010(70) rather than “wines” under KRS 241.010(74). As “weak ciders,” such wine spritzers were considered “malt beverages” and therefore able to be sold by malt beverage retail licensees and alongside beer in groceries. Unfortunately, this interpretation was mistaken and led to myriad unforeseen consequences.

The issuance of AO 2021-003 puts an end to some alcoholic beverage retail business that initiated after AO 2020-003, and retailers may still have significant inventory of wine spritzers. In order to mitigate the effects of this disruption on our licensees, the Department will not be taking action against retail licensees for the sale of wine spritzers as they deplete their inventory, but urges wholesalers to stop selling wine spritzers to retailers who lack licenses to sell wine at retail. Similarly, retailers should not expect wholesalers to accept returns of wine spritzers already in their inventory.

The Department appreciates the understanding and flexibility of our licensees and their commitment to being responsible members of the alcohol industry.

  
Allyson Taylor

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