



Timothy P. Cahill  
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Kim S. Gainsboro  
*Chairman*

**ADVISORY**  
**TO ALL WINE & MALT BEVERAGES LICENSEES**  
**UNDER M.G.L. c. 138, § 18**  
**REGARDING DEFINITION OF MALT BEVERAGES AND WINE**

The Alcoholic Beverages Control Commission (“the Commission”) would like to remind all malt beverage and wine licensees of their obligation to purchase and sell products that meet the state law standard of “malt beverages” and “wines” as defined by Massachusetts General Laws c. 138, §1. Under the Massachusetts Liquor Control Act, a malt beverage is defined as one that is manufactured by the process of brewing or fermentation of malt, with or without cereal grains or fermentable sugars, or of hops and does not have an alcohol content that exceeds 12% by weight. A beverage that is produced using the above-described process that exceeds this alcohol content is not considered a malt beverage in Massachusetts.

Boston Beer Company’s Utopias is an example of this type of product. Utopias’ alcohol content exceeds 12% by weight and therefore is not considered a malt beverage. **Consequently, no malt beverage or wine licensee can purchase or sell this or a like product.** For more information regarding the Massachusetts Liquor Control Act definitions for “wines” and “malt beverages”, please see M.G.L. c. 138, § 1 at <http://www.mass.gov/legis/laws/mgl/138-1.htm>.

If you have questions concerning this Advisory or would like more information, please call Executive Director, Ralph Sacramone at 617-727-3040.

Dated at Boston, Massachusetts this 2<sup>nd</sup> day of December 2009.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

A handwritten signature in black ink, appearing to read "K. Gainsboro".

Kim S. Gainsboro  
Chairman