

DIVISION OF ALCOHOL AND TOBACCO CONTROL

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INDUSTRY CIRCULAR

TRADE PRACTICES – Alcohol Infused Food Products

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Recently the Division has received an increasing number of questions about alcohol infused food products. ATC has reviewed this area, and provided the Division's position:

The Department of Health and Human Services Food Code considers a food product adulterated and illegal to sell if it contains more than 5% alcohol by weight. ([1-201.10 \(B\) \(11\)](#))

Therefore, it is ATC's position that food products that have been infused with alcohol that contain more than 5% alcohol by weight are considered intoxicating liquor and thus, require a liquor license to produce and sell in Missouri.

ATC would also require a person to obtain a liquor license if the federal Tobacco and Trade Tax Bureau (TTB) requires a Certificate of Label Approval (COLA) for an infused food product. The supplier is required to apply for the [primary American source of supply](#), register the COLA with ATC, and report shipments of this product to Missouri wholesaler(s) on their monthly excise tax reports. Missouri law requires producers (manufacturers) to appoint Missouri wholesalers to distribute intoxicating liquor products to retailers.

ATC is posting this notice to clarify certain provisions with regard to whether a food product infused with alcohol is considered intoxicating liquor, and therefore requires a liquor license to produce and sell in Missouri.

If you have questions, please contact the [Division](#) for clarification.