



# Rejected Again! How Can I Improve My Distilled Spirits Labels?

Presented by  
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Distilled Spirits Labeling Specialist



- Mandatory Information
- Additional information
- Prohibited Practices
- Certificate of Label Approval
- Helpful Hints
- Resources

27 CFR part 5

# TTB Mission

TTB's statutory mandate is to prevent consumer deception and ensure that alcohol beverage labels provide consumers with adequate information as to the identity and quality of the product.

# Mandatory Information

## On Brand Label

- Brand Name
- Class/Type
- Alcohol Content

## On Any Label

- Bottler's or Importer's Name and Address
- Net Contents
- Health Warning Statement
- Country of Origin (imported)

27 CFR 5.32

# Mandatory Information (Continued)

- The following may appear on any label, if required:
  - Sulfite Declaration
  - Coloring or Flavoring Material
  - FD&C Yellow #5
  - Treatment with Wood
  - Percentage of Neutral Spirits
  - Commodity Statement
  - Statements of Age
  - State of Distillation

27 CFR 5.32

# Brand Name

- Name under which the product is sold
- May not create a misleading impression about the age, origin, identity, or other characteristic of the product
- Must appear on the Front Label

27 CFR 5.32

# Captain John's Spiced Rum



Rum with natural flavors added  
20% Alcohol by Volume (40 Proof)

Imported by XYZ Company

Pittsburgh, PA 15122

750 ml

**PRODUCT OF THE DOMINICAN REPUBLIC**



## **GOVERNMENT WARNING:**

(1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS.

## Twelve classes:

- Neutral Spirits (Vodka)
- Whisky
- Gin
- Brandy
- Blended Applejack
- Rum
- Tequila
- Cordials and Liqueurs
- Flavored Brandy, Flavored Gin, Flavored Rum, Flavored Vodka, and Flavored Whisky
- Imitations
- Geographical Designations
- Products without Geographical Designations but Distinctive of a Particular Place

27 CFR 5.22

# Class and Type

- “Vodka,” “Chocolate Flavored Brandy,” “Imitation Liqueur”
- For recognized cocktails, a statement of the spirits and colors is sufficient:
  - e.g., Margarita made with tequila, triple sec liqueur, and FD&C Yellow #5
- A truthful and adequate statement of composition may be used for distilled spirits specialty products, along with a fanciful name
- Must appear on the front label

27 CFR 5.35

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# Alcohol Content

- \_\_\_\_% Alcohol (ALC) by volume (VOL)
- Bottled at \_\_\_\_% Alcohol (ALC) by volume (VOL)
- Proof
- Tolerances
- Must appear on the front label

27 CFR 5.37

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# Bottler's/Importer's Name and Address

- Name or trade name of bottler/importer as listed on permit
- Address (City, State) of bottler/importer as listed on permit
- “Bottled by” or “Distilled by” for domestic spirits
- “Imported by” or similar phrase for imported spirits
- May appear on any label

27 CFR 5.36

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# Net Contents

- Metric standards of fill; authorized sizes per 27 CFR 5.47a
- May be on label or etched/blown into the container
- “ml” on containers of less than 1 liter; “L” and decimal portions on containers of 1 liter or more
- May appear on any label

27 CFR 5.38, 5.47a

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# Health Warning Statement

- May appear on any label

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# Health Warning Statement (Continued)

- The words “**GOVERNMENT WARNING**” must be in capital letters and bold type
- The “S” in Surgeon and “G” in General must be capitalized
- Continuous statement (no intervening info)
- Legible on contrasting background
- Separate and apart

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# Country of Origin

- Acceptable Formats:
  - Product of Italy
  - Produced in Japan
  - Produced by XYZ, Bordeaux, France
  - Jamaican Rum
- Must be in English
- May appear on any label

27 CFR 5.36

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# Coloring Materials

- Only certain products
- The coloring material must be stated on the label; for example:
  - Colored with Caramel
  - Certified Color Added
  - Artificially Colored

27 CFR 5.39

# FD&C YELLOW #5

- If FD&C Yellow #5 is added, the label must state:
  - Contains FD&C Yellow #5

27 CFR 5.32

# Commodity Statement

- For spirits produced by redistillation, blended whiskies, spirit whisky, and compounded gin:
  - \_\_\_\_\_% Neutral Spirits Distilled from \_\_\_\_\_
  - \_\_\_\_\_% \_\_\_\_\_ Neutral Spirits
- For spirits produced by original distillation:
  - Distilled from \_\_\_\_\_

27 CFR 5.39

# Statements of Age

- Required for:
  - Whisky aged less than 4 years
  - Grape lees brandy or grape pomace/grape marc brandy aged less than 2 years
  - Distilled spirits labeled with a distillation date
- Not allowed on all distilled spirits labels

# Type Size Requirements

- Class/Type
- Net Contents
- Name and Address statement
- Sulfite Declaration
- Country of Origin
- Coloring Materials
- Flavoring Materials
- Treatment with Wood
- FD&C Yellow #5
- Commodity Statement
- Statements of Age
- State of Distillation

Container Size	Minimum Print Size
200 ml or less	1 mm
Larger than 200 ml	2 mm

# Type Size Requirements (Continued)

## Health Warning Statement

Container Size	Minimum Size
237 ml or less	1 mm
Over 237 ml up to 3 L	2 mm
Over 3 L	3 mm

Print Size	Characters Per Inch
1 mm	40
2 mm	25
3 mm	12

# Additional Label Information

- Must be truthful, accurate, and specific
- May not conflict with or qualify other mandatory information
- Must comply with the corresponding sections of the regulations

27 CFR 5.33(f)

# Allergen Disclosures

- Food Allergen Labeling and Consumer Protection Act of 2004, signed into law July 20, 2004, with effective date of January 1, 2006
- Under TTB's proposed regulations, producers, bottlers, and importers of alcohol beverages must declare on a product label the use of:
  - Milk
  - Tree Nuts
  - Peanuts
  - Fish
  - Eggs
  - Soybeans
  - Wheat
  - Crustacean Shellfish

As well as ingredients that contain protein derived from these foods

# Allergen Disclosures (Continued)

- Under the Interim Rule, effective July 26, 2006, voluntary labeling of major food allergens is allowed on the labels of alcohol beverages
- Statement must read:
  - Contains: Milk, eggs, and fish
- If one allergen is disclosed, then all allergens used in production of the beverage must be disclosed

27 CFR 5.32a

- The National Organic Program (NOP) is administered by the U.S. Department of Agriculture (7 CFR part 205)
- Effective October 21, 2002
- Added Subpart I to Part 5 to cross-reference USDA's NOP rules

# Organic Labeling (Continued)

- Must be certified to USDA NOP standards
- Must obtain USDA-accredited certifying agent's (ACA) preview and approval of organic labels prior to submission to TTB
- For more information, visit our Web site at [www.ttb.gov](http://www.ttb.gov), click on the DISTILLED SPIRITS tab and look for the “Organic” link under LABELING

- Include the following:
  - False, untrue, or misleading
  - Statements disparaging to competitors
  - Obscene or indecent
  - American flag or U.S. Armed Forces

27 CFR 5.42

# Prohibited Practices (Continued)

- “Pure,” unless it refers to ingredients
- Misleading or false health-related statements
- Statements suggesting the product is endorsed by the U.S. Government
- Guarantees (except for money-back guarantees) reviewed on a case-by-case basis

27 CFR 5.42

# Certificate of Label Approval (COLA)

- Who must apply?
  - For domestic spirits, the bottler must apply for label approval
    - Must obtain label approval prior to bottling, and labels must be affixed prior to removal from bonded distillery premises
  - For imported spirits, the importer must apply for label approval
    - Must obtain label approval prior to removal of spirits from U.S. Customs and Border Protection custody

27 CFR 5.51

- Two ways to submit:
  - Paper application submitted in duplicate
  - Internet-based application through COLAs Online
- “Forms” link available on [www.ttb.gov](http://www.ttb.gov)
  - TTB F 5100.31 for paper application
  - TTB F 5013.2 for application to access COLAs Online

# Helpful Hints

- Paper applications must be printed out on legal size paper
- Applications must be signed
- Do not make pen or ink changes, or use white out, on the labels
- If submitting labels for clear, acetate, etched, or painted labels, include a picture of a filled sample bottle

## Helpful Hints (Continued)

- Include copies of any formulas, pre-import letters, or lab analysis results that may pertain to the label
- Include supporting documentation for organic labels
- Documentation required for verification of how many times product is distilled (e.g., six times distilled)
- Never use the class and type in the brand or fanciful names on the application form

## Helpful Hints (Continued)

- Make sure labels are completely legible – if we can't read them, we can't approve them
- Labels must be affixed to the front of the form; if labels do not fit in space provided, they may be reduced, but copies must be legible
- Provide translations for any foreign text on labels or in supporting documentation
- Ensure the current calendar year is shown for the serial number

- Check the list of allowable revisions to approved labels before resubmitting
  - List can be found on page 3 of **TTB F 5100.31**
- Sign up for COLAs Online!
- Please do not print your labels prior to receiving label approval

- [www.ttb.gov](http://www.ttb.gov)
- Labeling:
  - 27 CFR part 5
  - Beverage Alcohol Manual (BAM)
  - USDA's National Organic Program



# Contact Information

- **Advertising, Labeling and Formulation Division, Customer Service:**
  - **Phone:** 1-866-927-2533 or 202-453-2250
    - Option 2 – COLAs Online technical assistance
    - Option 3 – COLAs Online registration
    - Option 4 – Formulation, DS, and Malt Beverage
  - **E-mail:** [alfd@ttb.gov](mailto:alfd@ttb.gov)