



# Labeling of Ciders Under TTB Jurisdiction

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# TTB Disclaimer

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- This information is being presented to help the public to understand and comply with the laws and regulations that the Alcohol and Tobacco Tax and Trade Bureau administers.
- It is not intended to establish any new, or change any existing, definitions, interpretations, standards, or procedures regarding those laws and regulations.
- In addition, this presentation may be made obsolete by changes in laws and regulations. Please consult the regulations for the most current regulatory requirements.
- Sample documents (such as records, returns, and labels) are for illustrative purposes only and contain fictitious data.



# Agenda: You'll learn which labeling rules to follow and how to create compliant labels

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- 1 Determining which labeling rules apply to your product
- 2 Information that is required to be on the label
- 3 Information you may choose to include on the label
- 4 Certificate of Label Approval (COLA) requirements

# Which TTB Labeling Rules apply?





# Which Labeling Requirements Apply?

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**Labeling requirements for cider and perry products are determined first by:**

- Alcohol content
- If it will be introduced in interstate commerce

**And secondarily by such things as:**

- Origin and level of effervescence
- Fruits used
- Addition of flavors, spices, colors, etc.
- Domestic or imported



# Why is Alcohol Content a Factor?

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- Recall that the Federal Alcohol Administration Act only applies to wine that contains **7% or more** alc. by vol.
- Therefore, FAA Act rules (including COLAs, labeling, standards of fill, prohibited practices, etc.) in [27 CFR part 4](#) do not apply to cider/perry products with **under 7%** alc. by vol.



# Why is Alcohol Content a Factor?

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The labeling of cider/perry products with **under 7%** alc. by vol. is regulated by TTB under the Internal Revenue Code\*

[27 CFR part 24](#) (domestic)

[27 CFR part 27](#) (imports)

\*IRC/part 24 wine labeling provisions apply to all wine with 0.5-24% alc. by vol.



# Why is Alcohol Content a Factor?

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Cider/perry products with **under 7% alc. by vol.** are also subject to FDA food labeling regulations under the Federal Food, Drug, and Cosmetic Act

[21 CFR part 101](#)





# Why is Alcohol Content a Factor?

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The labeling of cider/perry products with **at least 0.5% alc. by vol.** is also regulated by TTB under the Alcoholic Beverage Labeling Act (Government Health Warning Statement)

[27 CFR part 16](#)



# Why Does Interstate Commerce Matter?

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The labeling rules (mandatory information, COLAs, and prohibited practices) under the FAA Act ([27 CFR part 4](#)) apply to cider/perry products (**7% or more** alc. by vol.) that:

- are sold or otherwise introduced into interstate/foreign commerce (for example, sold across state lines or imported from another country)



# Why Does Interstate Commerce Matter?

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- Cider/perry products with **7% or more** alc. by vol. that **are** sold in interstate commerce must be covered by a Certificate of Label Approval (COLA)
- Cider/perry products with **7% or more** alc. by vol. that **are not** sold in interstate commerce are covered by a Certificate of Exemption from Label Approval



# Which Labeling Laws and Regulations Apply?

		1		
		If the alcohol content by volume is:		
		0.5 to < 7%	7 to 24%	
		Interstate commerce?		
		Yes	No	
3 Then the following wine labeling laws and regulations apply:				
Law	Regulations			2
Alcoholic Beverage Labeling Act of 1988 (ABLA)	<a href="#">27 CFR part 16 - Alcoholic Beverage Health Warning Statement</a>	X	X	X
Internal Revenue Code (IRC)	<a href="#">27 CFR part 24 - Wine</a> <a href="#">27 CFR part 27 - Importation of Distilled Spirits, Wines, and Beer</a>	X	X	X
Federal Alcohol Administration (FAA) Act	<a href="#">27 CFR part 4 - Labeling and Advertising of Wine</a>		X	
Federal Food, Drug, and Cosmetic Act (FD&C Act)	<a href="#">21 CFR part 101 – Food Labeling</a>	X		

# Mandatory Label Information

1. Cider with 7% or more alc/vol
2. Cider with under 7% alc/vol





# Type Size Requirements

Applies to all mandatory label information, except alcohol content and government health warning statement, regardless of alc./vol.

<b>If the container size is:</b>	<b>Then the MINIMUM type size is:</b>
187 milliliters or less	1 millimeter
More than 187 milliliters	2 millimeters

27 CFR 4.38(b) and 27 CFR 24.257(a)



# Type Size Requirements Alcohol Content

<b>If the container size is:</b>	<b>Then the MINIMUM type size is:</b>
5 liters or less	1 millimeter
More than 5 liters	N/A

<b>If the container size is:</b>	<b>Then the MAXIMUM type size is:</b>
5 liters or less	3 millimeters
More than 5 liters	N/A

# Mandatory Label Information: 7% or more alc/vol

The following section covers the labeling requirements for cider/perry products that are 7% or more alc/vol and sold in interstate commerce (i.e., covered by a COLA)







# Mandatory Label Information

## 7% or More

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The labeling rules for cider/perry products that are 7% or more alc. by vol. and sold interstate (covered by a COLA) are more robust:

- more direction about how and where mandatory info must appear
- standards of identity, i.e., labeling designations
- parameters for using many optional labeling claims, e.g., appellations of origin
- prohibited labeling practices intended to prevent consumer deception

[27 CFR part 4](#)



# Mandatory Label Information

## 7% or More

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The following statements must appear:

- Brand name
- Class, type or other designation
- Name and address of the bottler
- Net contents
- Alcohol content
- Government Health Warning

[27 CFR 4.32](#)  
[27 CFR part 16](#)



# Mandatory Label Information

## 7% or More

### Brand Name

- The name under which the product is sold; usually the most prominent piece of information on the label
- Must appear on the brand label\*
- If there is no brand name, the name of the bottler/importer as shown on the brand label is considered the brand name
- May not create a misleading impression

[27 CFR 4.32\(a\)\(1\)](#), [27 CFR 4.33](#)

\*Brand label = label on which brand name and class/type appears



# Mandatory Label Information

## 7% or More

### Name and Address of the Bottler

- May appear on any label
- Name or trade name of the bottler/importer as listed on the TTB permit
- Address (city and state) of the bottler/importer as listed on the permit
- Must be preceded by the words “Bottled/Canned/Packed by” or “Imported by”
- May optionally add “Produced” or “Made”, “Blended”, etc. to statement (see part 4 for rules)

[27 CFR 4.32\(b\)\(1\)](#) and [27 CFR 4.35](#)



# Mandatory Label Information

## 7% or More

### Net Contents

- May appear on any label; or
- May be etched/blown into the container
- Must use the authorized metric standards of fill ([27 CFR 4.72](#))
- May use the following abbreviations:
  - milliliters – ml, ML, mL
  - Liters - L

[27 CFR 4.32\(b\)\(2\)](#), [27 CFR 4.37](#)



# Mandatory Label Information

## 7% or More

### Authorized Standards of Fill [27 CFR 4.72](#)

- Must use these container sizes – including kegs
- Between 3 and 18 liters - must be whole liters (4 liters, 12 liters, etc.)
- No size restrictions over 18 liters

3 liters	500 milliliters	200 milliliters*
1.5 liters	375 milliliters	187 milliliters
1 liter	355 milliliters*	100 milliliters
750 milliliters	250 milliliters*	50 milliliters

\*Authorized December 2020



# Mandatory Label Information

## 7% or More

### Alcohol Content

- May appear on any label
- “Fruit [apple] [pear] Table Wine” may be used if the wine contains 14% or less alcohol by volume; or
- Specific statements:
  - Alcohol \_\_% by volume
  - Alcohol \_\_% to \_\_% by volume (see part 4 for rules)
  - May use “Alc.” and “Vol.” or “Alc” and “Vol”
  - May replace “by” with “/”
  - May NOT use “ABV”

[27 CFR 4.32\(b\)\(3\)](#), [27 CFR 4.36](#)



# Mandatory Label Information

## 7% or More

### Alcohol Content – Labeling Tolerances\*

- **7- 14%**
  - Actual alcohol content may be +/- 1.5% (by volume) from the alcohol content statement on the label  
[27 CFR 4.36\(b\)\(2\)](#)
- **Above 14%**
  - Actual alcohol content may be +/- 1% (by volume) from the alcohol content statement on the label  
[27 CFR 4.36\(b\)\(2\)](#)

\*Regardless of tolerances, alcohol content statements must accurately reflect class/type and tax class





# Government Health Warning Statement

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All domestic and imported cider and perry products with 0.5% alcohol by volume or more must bear the government health warning statement

- May appear on any label (front, back, neck, etc.)
- Must be separate and apart from all other information
- See [27 CFR part 16](#) for complete rules (type size, etc.)

**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.



# Mandatory Label Information

## 7% or More

### Class and Type

- Must appear on brand label
- Must use the class, type or other designations found in the standards of identity (SOI) [27 CFR part 4 Subpart H](#)
- If no SOI applies, must use a truthful and adequate statement of composition (wine specialty products)

[27 CFR 4.32\(a\)\(2\)](#), [27 CFR 4.34\(a\)](#)



# Class and Type

## 7% or More

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### Class

- In the standards of identity, the broad category “wine” is divided into 9 classes, including “Class 5: Fruit Wine” [27 CFR 4.21\(e\)](#)

### Type

- Most of the classes include specifically defined types of wine
- “Cider,” “Perry,” and “Carbonated cider” are examples of specific types defined under “Class 5: Fruit Wine”



# To be Labeled Simply ‘Cider,’ ‘Hard Cider,’ ‘Apple Cider’ 7% or More

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The product must be:

- Produced by the normal alcoholic fermentation of the juice of sound, ripe apples, and
- Derived wholly (except sugar, water, or added alcohol) from apples

May also be labeled “apple wine”

27 CFR 4.21(e)(5)



# To be Labeled “Perry” 7% or More

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The product must be:

- Produced by the normal alcoholic fermentation of the juice of sound, ripe pears, and
- Derived wholly (except sugar, water, or added alcohol) from pears

May also be labeled “*pear wine*” but **MAY NOT** be labeled “*pear cider*”

27 CFR 4.21(e)(5)



# Effervescent Designations

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Cider or Perry that is made effervescent by carbon dioxide at a level of over 0.392 gram per 100mL must be labeled as “sparkling” or “carbonated,” depending on the method used to produce effervescence

- **Sparkling** cider/perry: CO<sub>2</sub> results solely from secondary fermentation within a closed container, tank, or bottle
- **Carbonated** cider/perry: Obtains its effervescence through the artificial injection of CO<sub>2</sub>

27 CFR 4.21(e)(5) or 4.34(a)



# Effervescent Designations

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- The 2017 changes to the definition of wine eligible for the Hard Cider Tax rate increased the maximum allowable CO<sub>2</sub> level to 0.64 g/100mL of wine
- The CO<sub>2</sub> level requiring an effervescent designation did not change (remains >0.392)
- Applicable effervescent designations must be used on cider/perry products with CO<sub>2</sub> level of over 0.392 g/100mL



# What Can't be Designated Simply 'Cider' or 'Perry'?

## 7% or More

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Any wine that does not meet those standards of identity, including:

- Any cider or perry product to which excess sugar or water have been added
- Any wine made with fruits other than 100% apples or pears, respectively
- Any cider or perry product to which spices, flavoring or coloring materials have been added

27 CFR 4.21(e)(5) or 4.34(a)





# What Can't be Designated Simply 'Cider' or 'Perry'?

## 7% or More

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The following wines, which are eligible for the Hard Cider tax rate, may not be labeled simply “Cider,” “Hard Cider” or “Perry”

- Made from a blend of apples and pears
- Made with coloring, spices, or other eligible flavoring materials
- Contains 0.392 g/ 100mL or more of CO<sub>2</sub>

27 CFR 4.21(e)(5) or 4.34(a)



# Fermenting Two Kinds of Fruit Juice

## 7% or More

- Must be designated with a truthful and adequate statement of composition such as "*apple-blueberry wine*" or "*blueberry cider*"
- The designation "*fruit wine*" may appear in direct conjunction with the statement of composition

***Does not require formula approval***

[27 CFR 4.21\(e\)\(5\)](#)





# Blending Two Kinds of Fruit Wine

## 7% or More

- Must be designated with a statement of composition, such as "*apple wine - blueberry wine*" or "*cider – blueberry wine*"
- "*Fruit wine*" may appear in direct conjunction with the statement of composition
- May also be labeled with a fanciful name such as "*Blueberry Apple Delight*"

***Requires formula approval***

27 CFR 4.34(a)



*Mia*

Fanciful name

Blueberry Apple Delight  
Blueberry Wine - Cider

8% alc./vol. 750ml



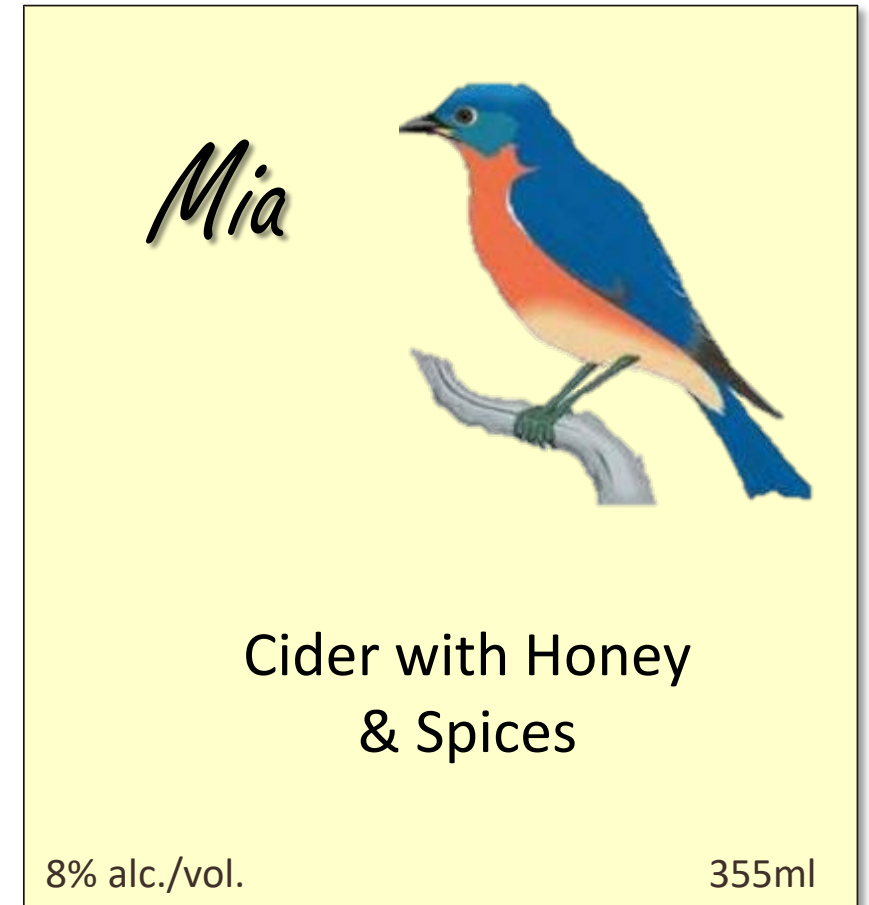
# Added Honey, Spices, Natural or Artificial Flavors

## 7% or More

- Must be designated with a statement of composition, such as "*cider with artificial and natural blueberry flavors*" or "*apple cider with honey and spices*"
- May also use a fanciful name but it must not be misleading as to the identity of the product
  - The fanciful name and statement of composition must be the same size and font and must appear together on the Brand Label

***Requires formula approval***

[27 CFR 4.34\(a\)](#)





# Added Distilled Spirits 7% or More

- A formula is required only when made with distilled spirits derived from a different fruit than the product was fermented from
- Must be designated with a statement of composition that would follow the SOC given on the formula results tab.
- May only be stated **IF** it is also listed in the labeling instructions of said formula

***Requires formula approval***

[27 CFR 4.34\(a\)](#)

*Mia*

Cider with grape neutral  
spirits

8% alc./vol. 355ml



# Any Other Mandatory Information? 7% or More

## **If applicable the following information must appear:**

- On blends consisting of American and foreign wines, if any reference is made to the presence of foreign wine, the exact percentage by volume
- Declarations of the presence of:
  - FD&C Yellow No. 5
  - Cochineal extract or carmine
  - Sulfites

[27 CFR 4.32](#)



# Sulfite Declaration

## 7% or More

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- Label must contain a sulfite declaration if the cider/perry product contains 10 ppm or more sulfur dioxide
  - “Contains Sulfites” or “Contains Sulphites”
- No statement is required if cider/perry product contains less than 10 ppm
  - Obtain Lab Analysis
  - Submit analysis with COLA

27 CFR 4.32(e)



# Customs Labeling Requirements

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Containers of all imported cider and perry products are required to be marked, branded and labeled (for example, with a Country of Origin statement) in accordance with CBP regulations

[19 CFR part 11](#), [part 12](#) and [part 134](#)





# 'Cider' in the Brand Name

## 7% or More

- “Cider” may be used in a brand name on wines that meet the standard of identity for cider





# 'Cider' in the Brand Name

## 7% or More

- “Cider” must be modified to be used in the brand name of wines that do not meet the standard of identity for cider
- Examples: Cider Company (Co.), Ciderworks, Cidery





# 'Cider' in a Fanciful Name

## 7% or More

- "Cider" may be used in a fanciful name in conjunction with the word "flavored" when flavors are added to apple wine
- The fanciful name "apple perry" or "pear cider" would not be approved because it is misleading as to the identity of the product

Fanciful name

*Mia*

Pear Flavored Cider  
Cider with Natural Flavors

9% alc./vol. 750ml

# Optional Label Claims: 7% or more alc/vol





# Appellation Of Origin

## 7% or More

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“Cider” and “Perry” labels may bear an **appellation of origin** (for example, a country, state or county) if:

- At least 75% of the cider/perry is derived from fruit grown in the named appellation
- The wine has been fully finished:
  - if labeled with a State appellation, within the labeled State or an adjacent State
  - If labeled with a county appellation, within the State in which the labeled county is located (“County” or “Parish” must accompany the name(s))

27 CFR 4.25



# Appellation Of Origin 7% or More

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**American Viticultural Areas (AVAs)**, which are defined as grape growing regions, may NOT be used on cider and perry products

27 CFR 4.25



# Orchard/Farm/Ranch Name

## 7% or More

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95% of the cider/perry product in the container must have been produced from apples/pears grown on the named **orchard, farm or ranch**

27 CFR 4.39(m)



# Gluten Free

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Alcohol beverages that are inherently “gluten-free” under the standards set by FDA, (because they are made only from ingredients that do not contain gluten, such as cider fermented from apples) are eligible for a “gluten-free” claim on the label

[TTB Ruling 2020-2 Gluten Content Statements in the Labeling and Advertising of Wine, Distilled Spirits, and Malt Beverages](#)

[Gluten-Free Labeling of Foods | FDA](#)





# Organic

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Any use of the term “**organic**” on any cider/perry product label must comply with the United States Department of Agriculture's (USDA) National Organic Program rules ([7 CFR part 205](#) ) as interpreted by the USDA

# What Cannot Appear on the Label?

7% or more alc/vol





# Vintage Dates

## 7% or More

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- **Vintage dates** (year of harvest) may only be used on wines made from grapes

[27 CFR 4.27](#)

- **Bottling dates** are allowed
  - “Bottled in \_\_\_” (insert the year in which bottled)

[27 CFR 4.39\(c\)](#)



# Misleading Impressions

## 7% or More

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Labels may not contain statements/images/etc. that TTB finds are **likely to mislead the consumer**



# Prohibited Practices

## 7% or More

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See [27 CFR 4.39](#) for the full list of prohibited labeling practices

# Mandatory Label Information: Under 7% alc/vol

These requirements apply to all cider/perry products that are under 7% alc/vol *and* to cider/perry products that are 7% alc/vol or more that are not sold interstate (i.e., covered by Certificate of Exemption)





# Mandatory Label Information Under 7%

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The following statements must appear:

- Name and address of the bottler
- Brand name
- Alcohol content
- Net contents
- Kind of wine
- Health Warning Statement

27 CFR 24.257

27 CFR part 16



# Mandatory Label Information

## Under 7%

### Name and Address of the Bottler

- May appear on any label
- Must be the name and address of the wine premises where bottled or packed

[27 CFR 24.257\(a\)\(1\)](#)





# Mandatory Label Information Under 7%

## Brand Name

- The name under which the product is sold; usually the most prominent piece of information on the label
- May appear on any label
- If there is no brand name the name of the bottler is considered the brand name

[27 CFR 24.257\(a\)\(2\)](#)



# Mandatory Label Information

## Under 7%

### Alcohol Content

- May appear on any label
- Must be stated as percent by volume or in accordance with 27 CFR part 4

[27 CFR 24.257\(a\)\(3\)](#)



# Mandatory Label Information

## Under 7%

### Alcohol Content – Labeling Tolerances

- Actual alcohol content may be +/- 0.75% (by volume) from the alcohol content statement on the label

[27 CFR 24.257\(a\)\(3\)](#)



# Mandatory Label Information

## Under 7%

### Net Contents

- May appear on any label; or
- May be etched/blown into the container

[27 CFR 24.257\(a\)\(5\)](#)

There are no restrictions on container sizes for under 7% wines or those covered by a Certificate of Exemption; they also don't have to be in metric size containers



# Mandatory Label Information Under 7%

## Kind of Wine

- May appear on any label
- Must identify product as wine by using the term, “wine,” or a word that signifies the type of wine, such as “cider” or “perry”
- If eligible for the Hard Cider tax rate, the kind should not be inconsistent with the Hard Cider tax class:
  - OK: “hard cider,” “apple wine,” “pear wine,” “apple cider,” “apple perry,” “apple pear wine,” “cider” and “perry”
  - Not OK: “blueberry cider”

[27 CFR 24.257\(a\)\(4\)](#)



# Mandatory Label Information

## Under 7%

### Kind of wine - Effervescent Wine\*

- Cider/Perry products that contain more than 0.392 gram per 100mL carbon dioxide must be labeled accordingly:
  - **Sparkling Wine:** CO<sub>2</sub> results solely from secondary fermentation within a closed container, tank, or bottle
  - **Carbonated Wine:** Obtains its effervescence through the artificial injection of CO<sub>2</sub>

[27 CFR 24.257\(a\)\(4\)](#)

\*The rules for labeling effervescent wine are the same for both under 7% and 7% or more



# Effervescent Designations

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- The 2017 changes to the definition of wine eligible for the Hard Cider tax rate increased the maximum allowable CO<sub>2</sub> level to 0.64 g/100mL of wine
- The CO<sub>2</sub> level requiring an effervescent designation did not change (remains >0.392)
- Applicable effervescent designations must be used on cider/perry products with CO<sub>2</sub> level of over 0.392 g/100mL



# Mandatory Label Information

## Under 7%

### Kind of wine – Indication of Tax Class

- Must include enough information to identify the tax class when viewed with the alcohol content
- You can meet this requirement for wines eligible for the Hard Cider tax rate by using “Tax Class 5041(b)(6)”





# Government Health Warning Statement

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All domestic and imported cider and perry products with 0.5% alcohol by volume or more must bear the government health warning statement

- May appear on any label (front, back, neck, etc.)
- Must be separate and apart from all other information
- See [27 CFR part 16](#) for complete rules (type size, etc.)

**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.



# FDA Labeling Requirements

## Under 7%

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The labels of cider/perry products with under 7% alc. by vol. must comply with applicable [FDA food labeling requirements](#), including ingredient labeling, nutrition labeling\*, and allergen labeling requirements

\*Certain small businesses can be exempt from FDA Nutrition Facts Labeling (See [Small Business Nutrition Labeling Exemption](#))



# Customs Labeling Requirements

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Containers of all imported cider and perry products are required to be marked, branded and labeled (for example, with a Country of Origin statement) in accordance with CBP regulations

[19 CFR part 11](#), [part 12](#) and [part 134](#)

# COLAs & Certificates of Exemption: 7% or more alc/vol

Applicable only to cider/perry products with 7% or more alc/vol





# When is a COLA Required?

## 7% or More

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- Applies only to cider/perry products that contain 7% or more alcohol by volume
- Only required if the cider/perry product will be shipped in or otherwise introduced into interstate or foreign commerce [27 CFR 4.50\(a\)](#)
- The bottler/packer must get a COLA before bottling/packing the product



# Certificate of Exemption

## 7% or More

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- A certificate of exemption is also issued on [TTB Form 5100.31](#)
- Applies only to cider/perry products that contain 7% or more alcohol by volume
- Signifies that the associated product is exempt from the FAA Act labeling rules in part 4
- Issued under the condition that the product will under no circumstances be introduced into interstate or foreign commerce [27 CFR 4.50\(b\)](#)
  - The label must bear the statement, “For sale in (name of state where bottled) only”



# Labeling Resources

## Cider Resources

### Wine/Cider Labeling

<https://www.ttb.gov/wine/labeling>

### Anatomy of a Wine Label

<https://www.ttb.gov/wine/anatomy-of-a-label>

### Cider Resources

<https://www.ttb.gov/cider/cider-resources>

### Cider FAQs

<https://www.ttb.gov/faqs/alcohol#Cider>

### COLAs Online Customer Page

<https://www.ttb.gov/labeling/colas>

### Allowable Revisions to Approved Labels

[www.ttb.gov/labeling/allowable-revisions](http://www.ttb.gov/labeling/allowable-revisions)

### Processing Times for Label Applications

<https://www.ttb.gov/labeling/processing-times>

### Labeling Laws and Regulations

[www.ttb.gov/labeling/laws-and-regulations](http://www.ttb.gov/labeling/laws-and-regulations)



# Contact Us

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## Questions?

**Contact the Alcohol Labeling and Formulation Division at:**

- Toll Free at 866-927-ALFD (2533), OR
- Use our [Alcohol Labeling and Formulation Division \(ALFD\) Contact Form](#)

**Representatives are Available:**

8 a.m. to 4:30 p.m. ET Monday - Friday (except on federal holidays)