



& BrewExpo America

## TTB Boot Camp: Labeling

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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 (TTB) 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 applicable laws and regulations for the most current requirements.

Sample documents (such as records, returns, and labels) are for illustrative purposes only and contain fictitious data.



- In this session we'll cover:
  - COLA basics
  - Mandatory label information
  - Keg collars
  - Prohibited labeling practices
  - Optional label claims



### COLAs: What, Who, Why, When, and How?



#### What is a COLA?

- Certificate Of Label Approval
- Authorizes:
  - The bottling of malt beverages, or
  - The removal of bottled malt beverages from customs custody (imports)
  - The product must bear labels identical to the labels affixed to the face of the certificate, or labels with changes authorized by the certificate or other public guidance
- TTB's approval of a COLA does not constitute trademark protection
- See TTB Form 5100.31

27 CFR 7.22, 7.25, and 13.11



# Who Can File an Application for a COLA?

- In order to file an application for label approval, you must have either:
  - A Brewer's Notice, or
  - A Basic Permit (Importer)
- Permits and Brewer's Notices are issued by the TTB National Revenue Center in Cincinnati, Ohio
  - Permits Online

- (877) 882-3277 or TTBGov - Contact NRC



#### Why Do I Need a COLA?

 The FAA Act generally requires bottlers and importers of malt beverages to obtain a COLA in order to prevent the sale or other introduction of products that are bottled, packaged, or labeled in violation of law



# At What Stage Do I Apply for Label Approval?

- The COLA must be obtained prior to bottling (domestically bottled) or prior to removal from customs custody (imported in containers)
  - Bottling includes cans and kegs
- See TTB website for average processing times for COLA applications
  - <u>https://www.ttb.gov/main-pages/processing-times</u>

27 CFR 7.22 and 7.25



#### When is a COLA Not Required?

- 1. When a beer is not a malt beverage under the FAA Act:
  - Usually because it is not made with both malted barley and hops (See <u>TTB Ruling 2008-3</u>)
  - Special rules apply to saké, which is labeled as a wine under the FAA Act if it has at least 7 percent alcohol by volume





### When is a COLA Not Required? (Cont.)

- 2. When a malt beverage will be sold exclusively in the state in which it was bottled:
  - Unless the state where the malt beverage is bottled requires an approved COLA from TTB





#### Even if a COLA is Not Required...

- The following regulatory requirements apply regardless of COLA requirements:
  - Government Health Warning Statement per 27 CFR part 16
  - Markings per 27 CFR part 25, Subpart J (for domestic brewers)
  - Formulas (when required)



### How Do I Apply for Label Approval?

- COLAs Online
  - Step-by-step guidance
  - Validation checks along the way
  - Application status updates via email
- <u>COLAs Online Customer Page</u>
- You must <u>register for a COLAs Online account</u> before you can use it





### COLAs Online

**Conditionally Approved Status** 

- Under limited circumstances, TTB may propose changes to the information you entered in the application to make it match the label you submitted
- After the specialist proposes the changes, the status is
   Conditionally Approved



#### **COLAs Online**

Conditionally Approved Status (Cont.)

- You must review the proposed changes and then either accept them, which results in immediate approval of the COLA, or decline them, in which case you can make any necessary changes yourself and return
- Which application fields are involved?
  - Brand name
  - Fanciful name



#### Can I Change My Approved Label Without Getting a New COLA?

- Review List of Allowable COLA Revisions
  - Once a label receives TTB approval, you can make certain changes to that label without obtaining a new COLA
  - Any revisions you make to your approved labels must be in compliance with the applicable regulations
- You must be able to identify the COLA you are relying on to bottle a malt beverage in the event that TTB asks you to provide evidence that the label is covered by a COLA



## Mandatory Label Information



#### Mandatory Label Information

#### The following label information is mandatory:

Brand name(27 CFR 7.64)Alcohol content\*(27 CFR 7.65)Name and address(27 CFR 7.66-7.68)Country of origin (Imported)(27 CFR 7.69)Net contents(27 CFR 7.70)Class(27 CFR 7.141-7.147))Government Health Warning(27 CFR 16.21-22)Ingredient Declarations (if used):(27 CFR 7.63)

\*Note: Alcohol content is only required for malt beverages containing alcohol derived from added flavors or other nonbeverage ingredients (other than hops extract)) containing alcohol

• Aspartame

- Sulfites
- FD&C yellow #5
- Cochineal extract or carmine

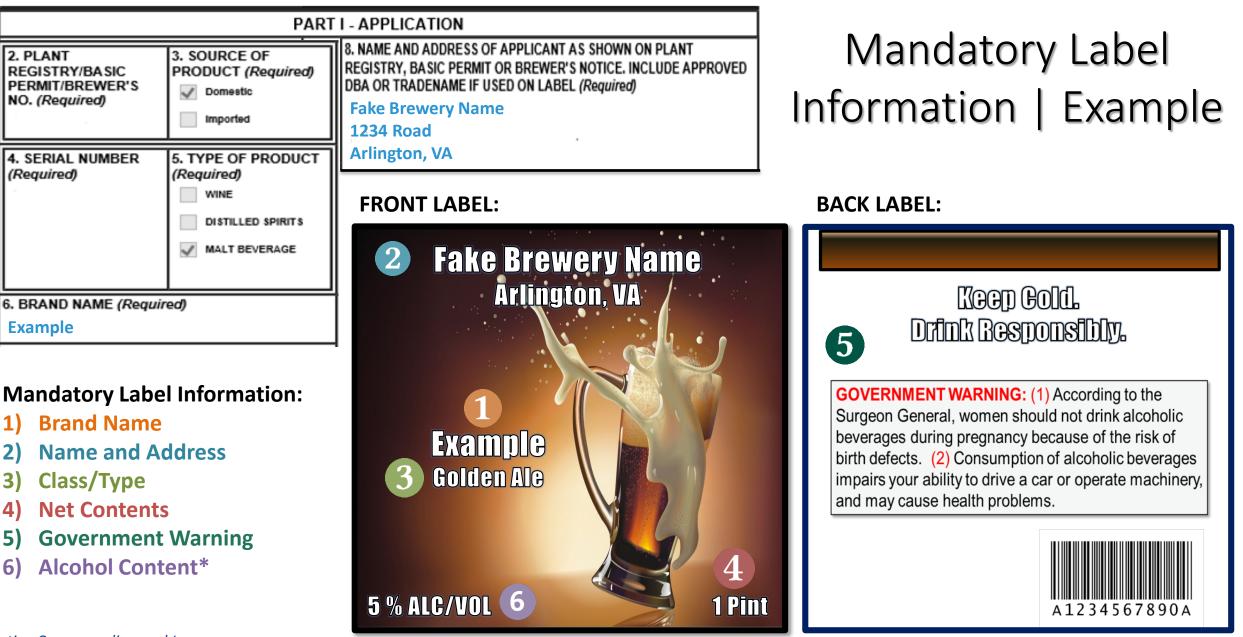
27 CFR 7.63



#### Mandatory Label Information General Requirements

- Must be readily legible under ordinary conditions, and must appear on a contrasting background
- Other than the brand name, must be in English, with exceptions for malt beverages bottled for consumption in Puerto Rico
- For information about type size requirements, refer to
  - 27 CFR 7.53 or

- TTB Malt Beverage BAM (Beverage Alcohol Manual)

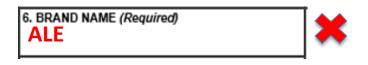


2023



#### Mandatory Label Information Brand Name

- Name under which the malt beverage is marketed
- If you do not identify a brand name, then the name of the bottler or importer is considered the brand name
- Common Mistakes:
  - Brand name on the label is not correctly entered on the application
  - Class/type is entered in the brand name field on the application
    - Example:





#### Mandatory Label Information Name and Address

- City and State of bottler
- Trade name or DBA (doing business as) is allowed
- Principal place of business of the producing brewer may be used in lieu of listing all brewing locations when owning multiple brewing locations
- The place of bottling may also appear in a listing of all breweries owned by the bottler, if the place of bottling is not given less emphasis and the coding requirements of <u>27 CFR 25.141</u> and <u>25.142</u> are met



#### Name and Address | Common Mistakes

- Name and address are missing from the label
- City and State on label do not match the address on the Brewer's Notice
- Contract brewer/producer has not added the contractee's DBA/trade name to their Brewer's Notice
- Label contains name and address of the contractee and not the contract brewer/producer



#### Mandatory Label Information

Net Contents

- Must use English units of measure (fluid ounces, pints, quarts, gallons)
- May show both metric and English units on the label
  - 1 pint 9.4 fl. oz. (750 mL)

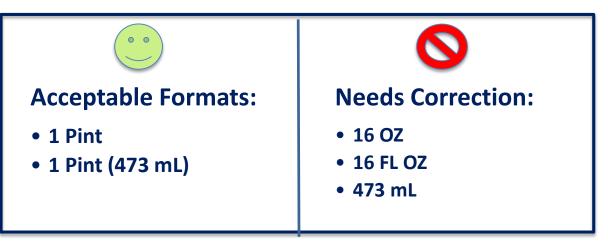
		EXAMPLES		
			LABEL NET	
			CONTENTS	
CONTENTS OF	NET CONTENTS MUST		STATEMENT MUST	
CONTAINER	BE SHOWN IN	CONTAINER SIZE	BE	
Less than 1 pint	Fluid ounces or fractions	8 ounces	8 fluid ounces (fl. oz.)	
	of a pint		or	
			1/2 pint (pt.) or	
			0.5 pint (pt.)	
1 pint	Pints	16 ounces	1 pint (pt.)	
More than 1 pint but	Pints and fluid ounces or	20 ounces	1 pint (pt.), 4 fluid	
less than 1 quart	fractions of a quart		ounces (fl. oz.) or	
-	-		5/8 quart (qt.) or	
			0.63 quart (gt.)	
1 quart	Quarts	32 ounces	1 quart (qt.)	
More than 1 quart but	Quarts, pints and fluid	60 ounces	1 quart (qt.), 1 pint	
less than 1 gallon	ounces or fractions of a		(pt.), 12 fluid	
_	gallon		ounces (fl. oz.) or	
	-		15/32 gallon (gal.) or	
			0.47 gallon (gal.)	
1 gallon	Gallons	128 ounces	1 gallon (gal.)	
More than 1 gallon	Gallons and fractions of	166 ounces	1 ¼ gallons (gals.) or	
70*	gallons		1.25 gallons (gals.)	
		·		

27 CFR 7.70



#### Net Contents | Common Mistakes

- Stating just oz. instead of fl. oz.
- Stating 16 fl. oz. instead of 1 pint (may list both)



- Not converting measurements into pints and fluid ounces (22 fl. oz. vs. 1 pint 6 fl. oz.)
- Showing only metric units (750 mL)



#### Mandatory Label Information Alcohol Content

#### Alcohol By Volume:

- Mandatory if any alcohol is derived from added flavors or other added nonbeverage ingredients (other than hops extract) containing alcohol
- Otherwise, it is optional (unless required by state law)
- Alcohol By Weight:
  - You may optionally include alcohol by weight together with the statement of alcohol by volume

Approved Formats:				
Alcohol By Volume:	Alcohol By Weight:			
Alcohol (ALC)% by Volume (VOL)	Alcohol (ALC)% by Weight			
Alcohol (ALC) by Volume (VOL)%	Alcohol (ALC) by Weight%			
% Alcohol (ALC) by Volume (VOL)	% Alcohol (ALC) by Weight			
% Alcohol (ALC)/Volume (VOL)	% Alcohol (ALC) / Weight			



#### Alcohol Content | Common Mistakes

- Using an incorrect format
  - ABV and ABW are not permitted you must spell out the words or use the abbreviations allowed by 27 CFR 7.65(b)(4)
    - Example: 🗱 5% ABV vs. 🗹 5% ALC/VOL
- Leaving off part of the phrase or the percent symbol (%)
- Not listing alcohol content on the label for products that contain added alcohol from a flavor



#### Mandatory Label Information Health Warning Statement

- Must be readily legible under ordinary conditions and on a contrasting background
- Must be separate and apart from all other label text
- The words **GOVERNMENT WARNING** must appear in capital letters and bold type

**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.

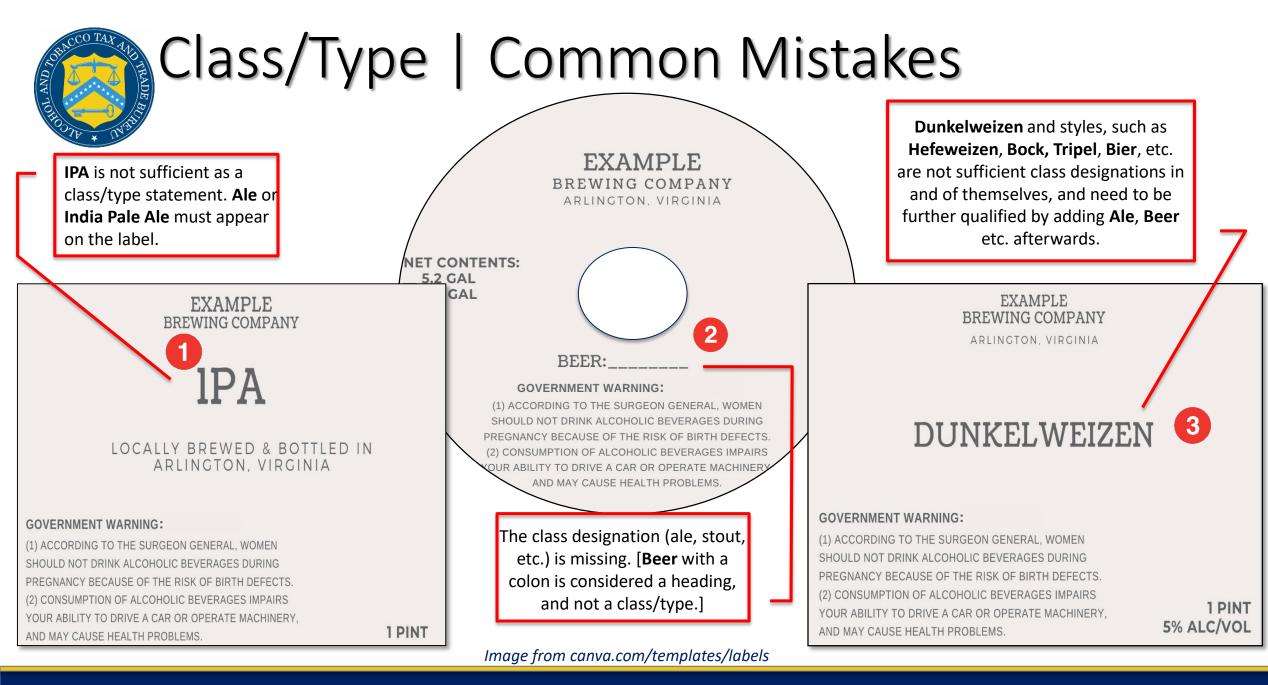
27 CFR part 16



#### Mandatory Label Information Class and Type - General

- The specific identity of a malt beverage
- The designation of malt beverages is based on trade understandings of the characteristics generally attributed to the particular malt beverage
  - Ale, Beer, Malt Liquor, Stout, and Porter are all acceptable as the class designation of a malt beverage

27 CFR 7.141



#### ALCOHOL AND TOBACCO TAX AND TRADE BUREAU (TTB)



Mandatory Label Information Class and Type – Malt Beverage Specialty Products

- Products not known to the trade under a particular designation are commonly called malt beverage specialty products
- MB specialty products generally require formula approval prior to applying for label approval, due to the presence of flavors, colors, or non-exempt ingredients

27 CFR 7.141 and 25.55



Mandatory Label Information Class and Type – Specialty Products

• Specialty products must be labeled with a distinctive or fanciful name, together with an adequate and truthful statement of the composition



27 CFR 7.147



#### MB Specialties | Common Mistakes

- Fanciful name is missing on the label and/or application
- Statement of composition does not accurately reflect the flavoring materials in the product as per the formula
- Statement of composition is missing the base beer
  - For example, Made with Vanilla Extract vs. Ale with Vanilla Extract



#### Class and Type | Specialty Products

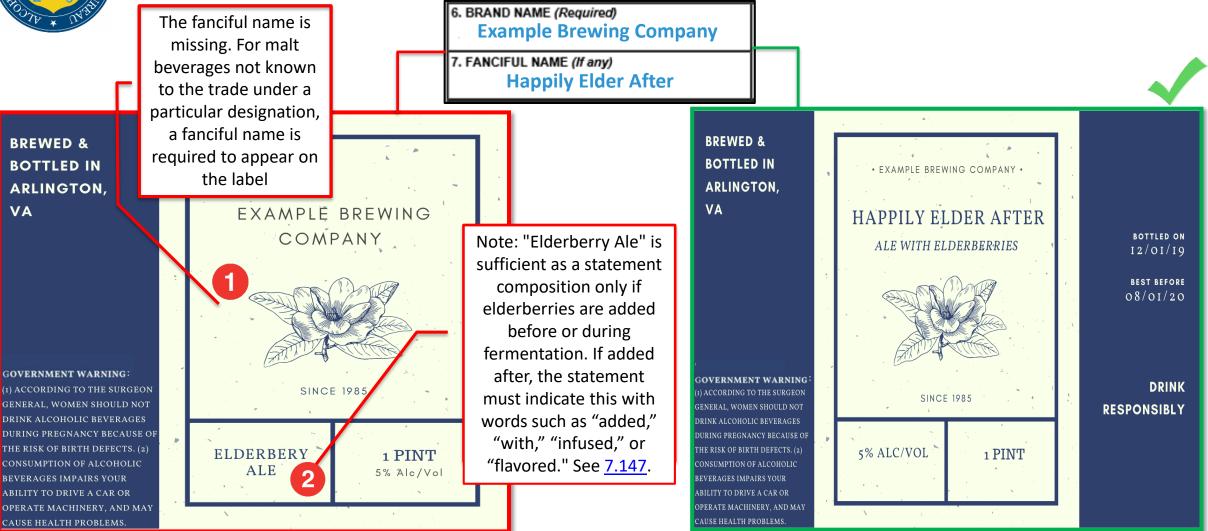


Image from canva.com/templates/labels



#### Mandatory Information Class and Type – Formula-Exempt MB Products

- Specific malt beverage ingredients are exempt from formulas under <u>TTB</u> <u>Ruling 2015-1</u>
- Also under this ruling, aging beer in barrels or with wood previously used in the production or storage of wine or distilled spirits is exempt under certain conditions
- Labeling Requirements:
  - Class/type may be stated as either a
     Designation or Statement of
     Composition
  - Fanciful Names are not required
  - Aging of a product does not need to be called out as part of the class/type

Flavoring Ingredient used:	Raspberry puree
Is a formula required?	NO (exempt under 2015-1)
Labeling options: <ul> <li>in accordance with trade understanding</li> </ul>	Fruit Ale Raspberry Ale
Statement of Composition	Ale with Natural Flavor Ale with Raspberries



# 2015-1 Examples of Designations – Attachment 2

Examples of Adequate and Inadequate Designations in Accordance with Trade Understanding

Description of product	Examples of statements of composition that will continue to be allowed as designations in accordance with trade understanding under this ruling.	Examples of adequate designations in accordance with trade understanding.	Examples of inadequate and misleading designations.* (Examples of inadequate designations are in black and misleading designations are designated as such and appear in red.)
Beer brewed with	Beer brewed with cherry juice	Fruit beer	Cherry delight
cherry juice	Malt beverage fermented with	Cherry beer	• Kriek
	natural flavor		<ul> <li>Bob's Beer</li> <li>Beer</li> </ul>
	(Kriek may be added as optional additional	(Kriek may be added as optional	
	information.)	additional information.)	Malt beverage
Beer with cherry juice	Beer flavored with cherry juice	Fruit beer	Cherry delight
added after	<ul> <li>Malt beverage with natural flavor</li> </ul>	Cherry beer	• Kriek
fermentation	added		Bob's Beer
	(Kriek may be added as optional additional	(Kriek may be added as optional	Misleading designation:
	information.)	additional information.)	Beer brewed with cherry juice
		E 14 4 4	



#### Class and Type | Formula-Exempt MB Products



Image from canva.com/templates/labels



## MB Products Exempt from Formulas | Common Mistakes

- Product ingredients are not sufficiently conveyed by the style's name, for example, as gose or wit
- Statement of composition or designation is missing
- Class designation of base product is missing in the statement of composition





### Geographical Names Class and Type

- Geographical names for distinctive types of malt beverages shall not be applied to malt beverages produced in any place other than the particular region indicated by the name unless qualified with text such as **STYLE** or **PRODUCT OF THE USA** or other text to indicate the true place of production
- Common Mistakes
  - India Pale Lager or India Session Ale appearing without qualifiers (such as Style or Product of USA)
  - Product of the USA does not appear in direct conjunction with the geographically significant reference (text or imagery)

27 CFR 7.146



### Geographical Names of Distinctive Types Class and Type

Names that have lost geographic significance (no qualifier required)

- India Pale Ale
- Baltic Porter
- Bohemian
- Russian Imperial Stout
- Imperial Russian Stout
- Scotch Ale
- Scottish Ale

Examples of names that still have geographic significance\* (qualifier required)

- Belgian
- Berliner
- English
- Irish
- Kolsch
- Mexican
- Vienna
- New England
- West Coast (or similar) \*Not a Complete List



### Geographic Significance | Example

Unlike India Pale Ale, India Pale Lager has not lost its geographic significance



Geographically significant malt beverage styles produced in a country other than the one indicated must be properly qualified with **style** or a phrase such as **Product of USA** 



# Keg Collars





- Kegs are consumer containers, just like bottles or cans
- When a COLA is required, mandatory labeling requirements must be met
- Labels bearing mandatory information may include:
  - Keg caps
  - Collars
  - Stickers
  - Combination of formats
- Information can be handwritten on the label
  - Except for GOVERNMENT WARNING





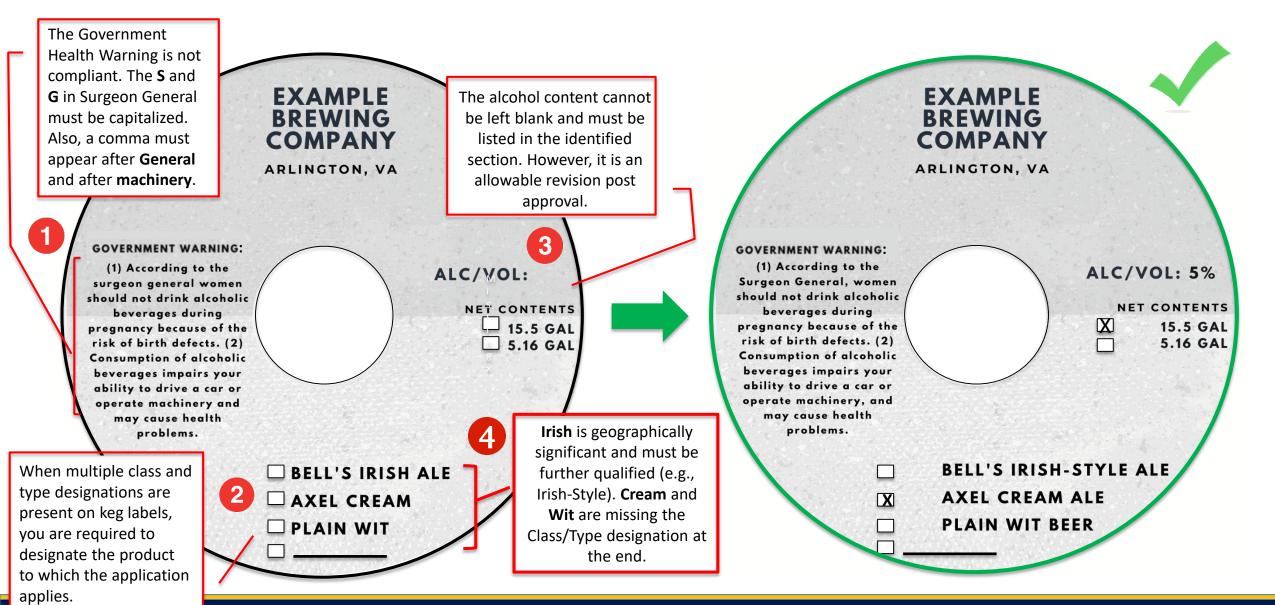
### Kegs | Requirement for Firmly Affixed Labels

- Generally, keg labels must be firmly affixed such that they can't be removed without the application of water or other solvents
- For kegs with a capacity of at least 5.16 gallons:
  - labels are also considered firmly affixed when they would be broken or otherwise rendered not reusable upon removal
  - labels need not be firmly affixed if the name of the bottler or importer is permanently or semi-permanently stated on the keg (i.e., via embossing, engraving, stamping, or a sticker or ink jet printing)
- Note: there is no exception for firmly affixing the **GOVERNMENT WARNING**



27 CFR 7.51 and 7.61(a)(5)

### Keg Label Common Mistakes | Example





# Prohibited Labeling Practices



# Examples of Things Prohibited from Appearing on Malt Beverage Labels

- Any statement that is false or untrue, including:
  - Misleading statements relating to guarantees (except money-back guarantees are permitted)
  - Misleading statements that disparage a competitor's product
  - Misleading health-related claims
  - Implied government endorsements
  - Text that implies that the product is a distilled spirit or contains a distilled spirit (with certain exceptions)
- Any obscene or indecent content

27 CFR 7.102-7.103, and 7.123-7.130

# Optional Label Claims





## **Commonly Used Optional Information**

#### **Rulings of Interest:**

- <u>2004-1</u> Caloric and Carbohydrate Representations
- <u>2020-2</u> Gluten Content Statements
- <u>2013-2</u> Voluntary Nutrient Content Statements

### **Frequently Asked Questions (FAQs) of Interest:**

- FAQs on TTB Ruling 2013-2 (Serving Facts Statements)
- FAQs on Sugar Content Statements
- FAQs on Major Food Allergen Labeling
- FAQs on Organic Labeling
- FAQs on Alcohol
- <u>FAQ [AF3]</u>: How do I calculate the number of servings per container?



### Labeling Resources

**Beer Resources** 

TTB Beer Rulings www.ttb.gov/beer/rulings

TTB Beer Industry Circulars www.ttb.gov/beer/industry-circulars Beer-Beverage Alcohol Manual (BAM) www.ttb.gov/beer/beverage-alcohol-manual

> Do I Need a Formula? Tool www.ttb.gov/formulation/mbev

TTB Beer Frequently Asked Questions (FAQs) www.ttb.gov/beer/beer-faqs TTB G 2016-1A –Beer/Malt Beverages Requiring Formula Approval or Laboratory Sample Analysis Chart www.ttb.gov/public-guidance/ttb-g-2016-1a

Allowable Revisions to Approved Labels www.ttb.gov/labeling/allowable-revisions Labeling Laws and Regulations www.ttb.gov/labeling/laws-and-regulations





### **Questions?**

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

- Toll Free at 866-927-ALFD (2533), OR
- Use our <u>Alcohol Labeling and Formulation Division (ALFD) Contact Form</u>

**Representatives are Available:** 

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