

# Labeling

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# Laws and Regulations

- **Alcoholic Beverage Labeling Act of 1988**
  - 27 U.S.C. 213 et seq.
  - 27 CFR part 16 - Alcoholic Beverage Health Warning Statement
- **Federal Alcohol Administration Act**
  - 27 U.S.C. 205
  - 27 CFR part 7 – Labeling and Advertising of Malt Beverages
- **Internal Revenue Code**
  - 26 U.S.C. Chapter 51
  - 27 CFR part 25 – Beer
  - 27 CFR part 27 – Importation of Distilled Spirits, Wines, and Beer

# COLAs:

What, Who, Why, When  
and How?





# What is a COLA?

- Certificate Of Label Approval
- Authorizes:
  - The bottling or packing 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
- TTB's approval of a COLA does not constitute trademark protection
- See [TTB Form 5100.31](#)

27 CFR 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 (877) TTB-FAQS



# Who Gets the COLA in a Contract Brewing Arrangement?

- Contract Brewing is an arrangement in which one person pays a brewing company to produce beer for them
- Contract Brewer is responsible for:
  - Brewing product
  - Formula submission
  - COLA submission
  - Keeping appropriate brewery records
  - Paying taxes upon removal from the brewery



# Who Gets the COLA in an Alternating Proprietorship Arrangement?

- An alternating proprietorship is when two or more people take turns using the physical premises of a brewery
- Both the host and the tenant must qualify as a brewer and are responsible for:
  - Obtaining Brewer’s Notice
  - Producing beer
  - Keeping and maintaining brewing records
  - Obtaining COLAs and Formulas
  - Paying appropriate taxes upon removal



# Why do I Need a COLA?

- A COLA is required by law
  - The FAA Act makes it unlawful for any person engaged in the business as a brewer, importer, or wholesaler of malt beverages to sell or ship, or deliver for sale or shipment, or otherwise introduce, in interstate or foreign commerce, or to remove from customs custody for consumption, malt beverages in bottles, unless they are bottled, packaged, and labeled in conformity with the regulations in 27 CFR part 7
  - With regard to malt beverages sold in interstate commerce, the labeling provisions of the FAA Act apply only to the extent that there is similar state law
- 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 (for domestically bottled malt beverages) and prior to removal from customs custody (for imported containers of malt beverages)
- Bottling includes placing malt beverages in containers such as cans and kegs
- See TTB website for information processing times for COLA applications
  - <http://www.ttb.gov/labeling/processing-times.shtml>



# When is a COLA Not Required?

- **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 [TTB Ruling 2008-3](#))
  - 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 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
  - See [TTB Ruling 2013-1](#)
- **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)
  - Formula for domestic beers under part 25 (when applicable)



# How to Apply for Label Approval

- The recommended method is submitting electronically using [COLAs Online](#)
- A paper alternative is also available
  - [TTB Form 5100.31](#) mailed to TTB (use address on the form)

# Label Information





# Mandatory Label Information

## Must be on the Brand Label:

- **Brand name** (27 CFR 7.23)
- **Class** (27 CFR 7.24)
- **Name and address** (domestic) (27 CFR 7.25)
- **Net contents** (27 CFR 7.27)
- **Alcohol content** (for malt beverages containing alcohol derived from added flavors or other nonbeverage ingredients (other than hops extract)) (27 CFR 7.22)

## May be on Any Label:

- **Government Health Warning** (27 CFR 16.21-22)
- **Name and address** (Imported) (27 CFR 7.25)
- **Country of origin** (Imported)
- **Declaration of certain ingredients** (when used): (27 CFR 7.22)
  - Aspartame
  - Sulfites
  - FD&C yellow #5
  - Cochineal extract or carmine

Little Egypt's Finest Ales

1 **X & Y Brewery**

2 Steeleville, IL

6 8.2% Alc/Vol

4 1 Pint 9.4 fl oz. (750 mL)

5



3 **Bourbon Barrel Aged Ale**

**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:

- 1) Brand Name
- 2) Name and Address
- 3) Class/Type
- 4) Net Contents
- 5) Government Warning
- 6) Alcohol Content (Optional)

\*Declarations of certain ingredients also must appear on the label, when applicable



# 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 7.28 General Requirements, or
  - TTB [Malt Beverage BAM \(Beverage Alcohol Manual\)](#)

27 CFR 7.28



# Mandatory Label Information

## Brand Name

- Name under which the malt beverage is marketed
- If the malt beverage is not sold under 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

27 CFR 7.23





# Mandatory Label Information

## Class and Type

- 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, Ice Beer, and India Pale Ale are all acceptable as the class designation of a malt beverage
- Malt beverages that do not have the characteristics of the above designations must be labeled with additional information

27 CFR 7.24



# Mandatory Label Information Class and Type

	Examples:
Specific identity of the malt beverage	Ale Beer Stout Lager Porter Cereal Beverage (Near Beer)
Flavored malt beverages that require a formula: <ul style="list-style-type: none"> <li>• Fanciful Name</li> <li>• Statement of Composition (SOC)</li> </ul>	Jojo's Cucumber Ale  AND  Ale Brewed with Cucumber
Malt beverages that are exempt from formula requirements under TTB Ruling 2015-1 must be designated in accordance with trade understanding as described in the ruling	Hayward's Pumpkin Stout  OR  Stout Brewed with Pumpkins



# Ingredients and Processes Exempt From Formulas

- You will find a list of processes and ingredients that do not require formula review in [TTB Ruling 2015-1](#)

- 2015-1 Ingredients and Processes Used in the Production of Beer Not Subject to Formula Requirements
  - [Exempt Ingredients and Processes Determined to be Traditional Under TTB Ruling 2015-1](#)
  - [Examples of Adequate and Inadequate Designations in Accordance with Trade Understanding](#)

- The ruling is divided into 3 separate documents (the ruling and two attachments)



# TTB Ruling 2015-1 List of Exemptions – Attachment 1

## Exempt Ingredients and Processes Determined to be Traditional Under TTB Ruling 2015-1

TTB Ruling 2015-1  
Attachment 1

### Exempt Ingredients Under the Conditions of TTB Ruling 2015-1

*Industry members are responsible for ensuring that all ingredients, including any parts of fruit, used in the production of malt beverages or beer are wholesome products suitable for human food consumption and comply with applicable ingredient safety regulations of the Food and Drug Administration.*

INGREDIENT	DESCRIPTION/LIMITATION
AGAVE	Whole, juice, puree, or concentrate. <b>Does not</b> include extracts, essential oils, or syrups.
ALLSPICE	As outlined in FDA's GRAS listing at <a href="#">21 CFR 182.10</a> . Spices may be whole or ground. <b>Does not</b> include extracts, essential oils, or syrups.
ANISE	As outlined in FDA's GRAS listing at <a href="#">21 CFR 182.10</a> . Spices may be whole or ground. <b>Does not</b> include extracts, essential oils, or syrups.
APPLES	Whole, juice, puree, or concentrate. <b>Does not</b> include extracts, essential oils, or syrups.
APRICOTS	Whole, juice, puree, or concentrate. <b>Does not</b> include extracts, essential oils, or syrups.





# 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 cherry juice	<ul style="list-style-type: none"> <li>• Beer brewed with cherry juice</li> <li>• Malt beverage fermented with natural flavor</li> </ul> <p><i>(Kriek may be added as optional additional information.)</i></p>	<ul style="list-style-type: none"> <li>• Fruit beer</li> <li>• Cherry beer</li> </ul> <p><i>(Kriek may be added as optional additional information.)</i></p>	<ul style="list-style-type: none"> <li>• Cherry delight</li> <li>• <i>Kriek</i></li> <li>• Bob's Beer</li> <li>• Beer</li> <li>• Malt beverage</li> </ul>
Beer with cherry juice added after fermentation	<ul style="list-style-type: none"> <li>• Beer flavored with cherry juice</li> <li>• Malt beverage with natural flavor added</li> </ul> <p><i>(Kriek may be added as optional additional information.)</i></p>	<ul style="list-style-type: none"> <li>• Fruit beer</li> <li>• Cherry beer</li> </ul> <p><i>(Kriek may be added as optional additional information.)</i></p>	<ul style="list-style-type: none"> <li>• Cherry delight</li> <li>• <i>Kriek</i></li> <li>• Bob's Beer</li> </ul> <p><b>Misleading designation:</b></p> <ul style="list-style-type: none"> <li>• <b>Beer brewed with cherry juice</b></li> </ul>



# Example 1 – Class and Type Designations

<b>Flavoring Ingredient used:</b>	Raspberry puree
<b>Is a formula required?</b>	NO (exempt under 2015-1)
<b>Labeling options:</b> <ul style="list-style-type: none"><li>• <b>in accordance with trade understanding</b></li><li>• <b>Statement of Composition</b></li></ul>	Flavored Ale Raspberry Ale  Ale with Natural Flavor Ale with Raspberries



## Example 2 – Class and Type Designations

<b>Flavoring Ingredient used:</b>	Elderberries
<b>Is a formula required?</b>	YES (Not exempt under 2015-1)
<b>Labeling options:</b> <ul style="list-style-type: none"><li>• <b>Requires a Fanciful Name:</b></li><li>• <b>Requires an SOC:</b></li></ul>	Happily Elder After  Ale with Elderberries Ale with Natural Flavor





# Class and Type | Common Mistakes

- Leaving the class designation (ale, stout, etc.) off of the label
- For example, using just “IPA” (the word “ale” must appear on the brand label)
- Using “hefeweizen,” “bock,” “tripel,” “dubbel,” “bier” (which are not sufficient class designations in and of themselves)
- Using just “gose” or “wit” and not having suitable class designation or using “breakfast stout” and not having a statement of composition
- Leaving the class designation of the base beer out of the statement of composition - the statement of composition must include the base designation
  - For example, “Ale with vanilla extract”





# Mandatory Label Information

## Name and Address

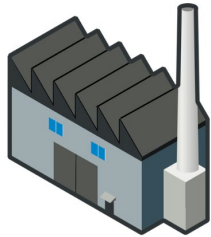
- City and state of bottler/packer
- Trade name or DBA (doing business as) is allowed
- Principal place of business of the producing brewer may be used in lieu of listing all brewing locations when owning multiple brewing locations

27 CFR 7.25

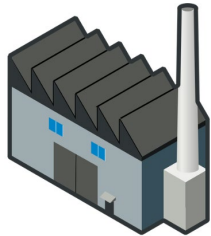


# Principal Place of Business

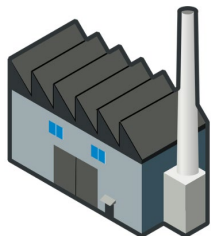
Hype Brewing Co. brews lager at all three of their facilities



OR Brewery  
& Admin Offices



VA Brewery



CO Brewery

## Name and Address Statement Options:

- Brewed by Hype Brewing Co. Corvallis OR, Sterling VA, & Denver CO
- Brewed by Hype Brewing Co. Corvallis OR (principal place of business)

Image from publicdomainvectors.org



# Name and Address | Common Mistakes

- Leaving name and address off of the label
- City and state on label do not match the address on the Brewer's Notice
- Not using a DBA for contract brewing
- Label contains name and address for contractee and not the contract (producing) brewer



# 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)

CONTENTS OF CONTAINER	NET CONTENTS MUST BE SHOWN IN...	EXAMPLES	
		CONTAINER SIZE	LABEL NET CONTENTS STATEMENT MUST BE...
Less than 1 pint	Fluid ounces or fractions of a pint	8 ounces	8 fluid ounces (fl. oz.) or ½ pint (pt.) or 0.5 pint (pt.)
1 pint	Pints	16 ounces	1 pint (pt.)
More than 1 pint but less than 1 quart	Pints and fluid ounces or fractions of a quart	20 ounces	1 pint (pt.), 4 fluid ounces (fl. oz.) or 5/8 quart (qt.) or 0.63 quart (qt.)
1 quart	Quarts	32 ounces	1 quart (qt.)
More than 1 quart but less than 1 gallon	Quarts, pints and fluid ounces or fractions of a gallon	60 ounces	1 quart (qt.), 1 pint (pt.), 12 fluid 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 gallons	166 ounces	1 ¼ gallons (gals.) or 1.25 gallons (gals.)

27 CFR 7.27



# 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

- 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)
- Approved Formats:
  - Alcohol (ALC) \_\_\_% by Volume (VOL)
  - Alcohol (ALC) by Volume (VOL) \_\_\_%
  - \_\_\_% Alcohol (ALC) by Volume (VOL)
  - \_\_\_% Alcohol (ALC)/Volume (VOL)

27 CFR 7.71



# Alcohol Content | Common Mistakes

- Using an incorrect format
  - “ABV” is not permitted - you must spell out the words or use the abbreviations allowed by 27 CFR 7.71
- 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



*Saint Benedicts*

*Breakfast Stout*

3

1

9.5% ABV



2

22 fl. oz.

Brewed by Saint Benedicts | Corpus Christi, TX

**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.

3) Breakfast Stout is an incorrect class designation if it's not just a plain stout

- If the product requires formula approval then a statement of composition must appear on the label
- If the product is exempt under 2015-1 then it must be labeled in accordance with trade understanding and either a statement of composition or designation is required

1) **The abbreviation "ABV" is not allowed. May be stated as "alc/vol" or "alc by vol"**

2) Net contents should be stated as "1 pint 6 fl. oz."



# Labels and TTB Ruling 2015-1

- Common mistakes:
  - Product ingredients are not sufficiently conveyed by the style's name, for example, as “gose” or “wit”
  - Missing statement of composition
  - Missing designation
- For example: “breakfast stout” made with ingredients such as coffee, cinnamon, etc. use either:
  - Statement of composition: “Stout with coffee and spices”
  - Appropriate Designation: “Breakfast coffee stout” (only if all ingredients are exempt)



# Geographical Names

- 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 brand name

27 CFR 7.24(f)-(h)



# Geographical Names of Distinctive Types

## 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



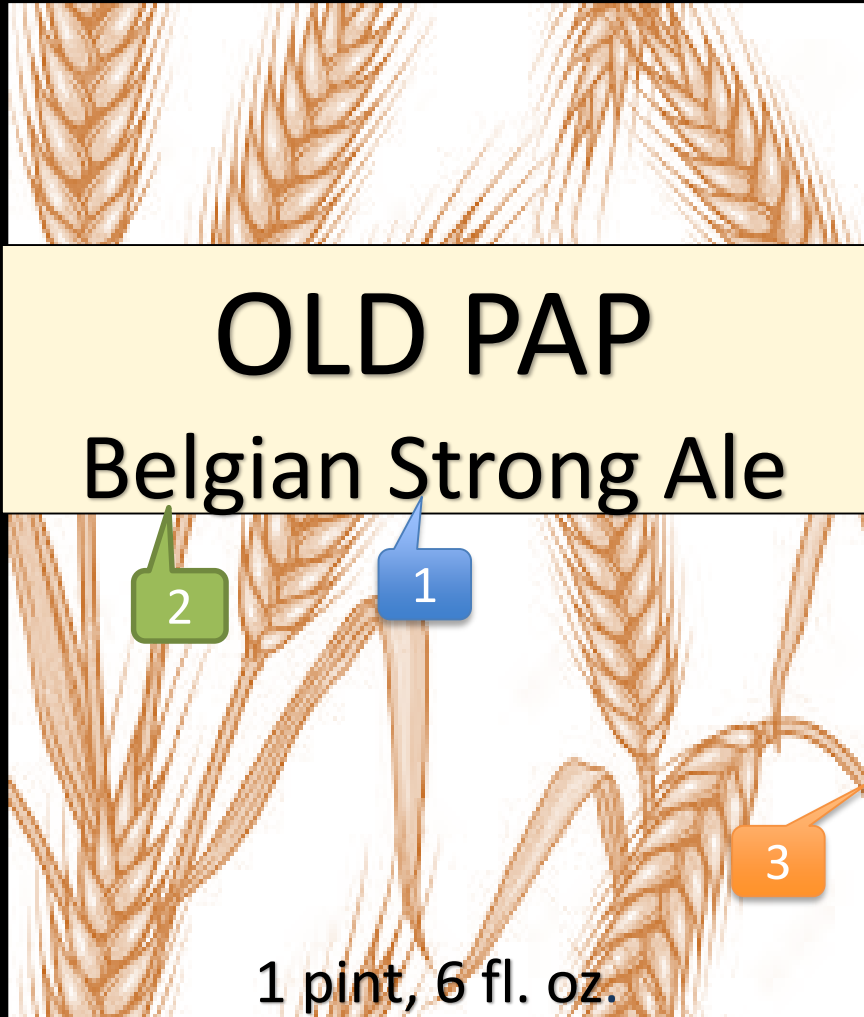
# Examples of Prohibited Practices Labels/Cartons/Cases

- Shall not contain\*:
  - Any false or misleading information
  - **Claims of alcohol content strength**
  - **Text that implies that the product is a distilled spirit or contains a distilled spirit**
  - **Misleading health-related claims**
  - Obscene or indecent material
  - The U.S. flag or U.S. military or government seals or emblems, if they create a misleading impression as to government endorsement or affiliation

\*Not a complete list of prohibited practices

27 CFR 7.29

**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.



Old Pap has the fresh smooth taste of an ale with a unique cherry and stone fruit flavor.  
Brewed & Bottled by Pap Brewery, Dalton, GA

- 1) “Strong” must be removed as it is a prohibited strength statement
- 2) “Belgian” is misleading since the product is made in the U.S. Needs qualifier such as “Belgian style”
- 3) Additional Text: the use of “cherry and stone fruit flavor” in a plain ale implies that fruit or flavors were used, which may require a formula and SOC. To describe flavor profiles from certain grains, the label could alternatively, say “Ingredient X imparts a flavor of ...”



# Non-Alcoholic, Alcohol Free, and 0.0% Alcohol By Volume

- Terms for products containing less than 0.5% alcohol by volume
- These terms describe the alcohol content of a product and they are not sufficient as class/type designations
- Must be labeled with a class designation of “malt beverage,” “cereal beverage,” or “near beer,” under 27 CFR 7.24(d)
- May **not** be labeled as “beer,” “stout,” “lager,” “ale,” “porter,” “malt liquor,” or “lager beer”
- Other countries have different definitions





# Non-Alcoholic

- Alcohol content must be less than 0.5% ABV
- Actual alcohol content may not exceed 0.5 percent (i.e., there is no tolerance above labeled ABV)
- “Non-Alcoholic” is an optional statement, but if used, label must also state in direct conjunction “Contains less than 0.5% alcohol by volume”
- If domestically bottled must state on the label “Non taxable under section 5051 I.R.C.” (27 CFR 25.242)
- Government Warning is not required

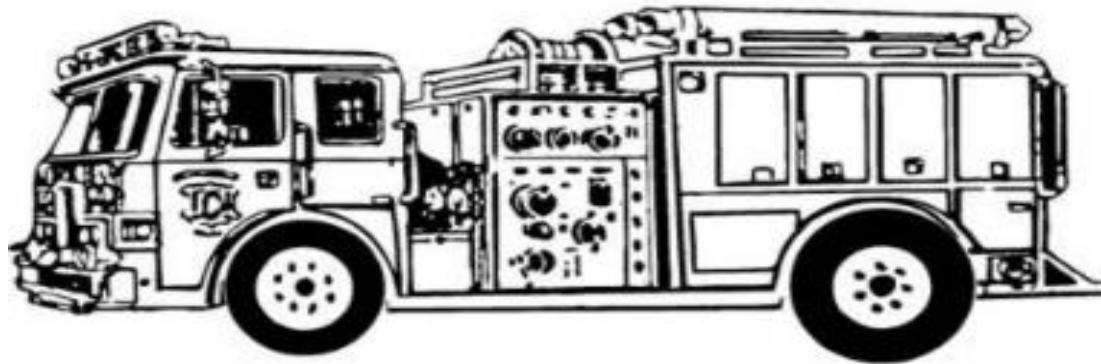
27 CFR 7.71(e)



# Fire Truck Brewing

Honesdale, PA

UPC



# Non-Alcoholic

Contains less than 0.5% Alcohol by Volume

Non-taxable under section 5051 I.R.C

1 PINT NEAR BEER  
BREWED BY FIRE TRUCK BREWING  
HONESDALE, PA



# Alcohol Free & 0.0% Alcohol by Volume

- “Alcohol free” and “0.0 percent alcohol by volume” may be used only on malt beverages containing no alcohol
- If labeled with an alcohol content of 0.0 percent alcohol by volume label must also state “alcohol free”
- “Non taxable under section 5051 I.R.C.” must appear on domestically bottled cereal beverages (27 CFR 25.242)
- Government Warning is not required
- Requires Formula Approval with Laboratory Sample Analysis per [TTB G 2016-1A](#)

27 CFR 7.71(c)(3) & (f)

# Pauling Alcohol Free

NON TAXABLE  
UNDER SECTION  
5051 IRC



An alcohol  
free version  
of our on-  
tap favorite!

0.0% alc./vol.

UPC

**CRISP MALTY REFRESHING**

12 fl oz | Brewed by Downtown Brewing Newark, NJ | Malt Beverage

Image from [publicdomainvectors.org](http://publicdomainvectors.org)



# Non-Alcoholic, Alcohol Free, and 0.0% Alcohol by Volume | Common Mistakes

- Use of prohibited class terms (for example, ale, beer, porter, lager, stout)
- “Contains less than 0.5% alc/vol” is missing or does not appear in direct conjunction with “non-alcoholic”
- “Alcohol free” appears on products that are not 0.0% alc/vol



# Allergen Disclosures

-Milk	-Soybeans
-Eggs	-Peanuts
-Tree nuts	-Wheat
-Crustacean shellfish	-Fish

- You may make voluntarily disclosures of the major food allergens
- Labeling requirements:
  - Must be specific as to the type of tree nut or crustacean shellfish
  - If one allergen is disclosed, then all allergens used in production of beverage must be disclosed
  - Voluntary statements must be formatted as follows:

Contains: Wheat, Eggs, Pecans

27 CFR 7.22(a)



# Allergen Disclosures | Common Mistakes

- Including ingredients that are not one of the seven major allergens (for example, barley or oats)
- Misstating milk (for example, CONTAINS: Lactose)
  - Must be stated as “Contains: Milk” or “Contains: Milk (Lactose)”



# Light/Lite Beer Claims

- “Lite,” “Light,” or other nutritional claims such as “99 calories,” or “Low carbohydrate” requires that an statement of average analysis appear on the label (see [TTB Ruling 2004-1](#))
- Statement of Average analysis consists of:
  - Serving size (12 fl oz for malt beverages)
  - Calories (no units)
  - Carbohydrates (grams or g)
  - Protein (grams or g)
  - Fat (grams or g)
- FDA Nutrition Facts panel is prohibited
- Alternatively, Serving Facts Panel may be used ([TTB Ruling 2013-2](#))

**PER 12 FL.OZ.-AVERAGE ANALYSIS:  
CALORIES 99, CARBOHYDRATES 6.2 g,  
PROTEIN 1.1 g, FAT 0.0 g**



# Light Beer | Common Mistakes

- Statement of average analysis is missing information
- Use of “light” in the additional text when discussing the finished product, without a statement of average analysis
- Adding other nutritional information to the statement
- Use of FDA or foreign nutritional panel





# Kegs

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





# Kegs | Common Mistakes

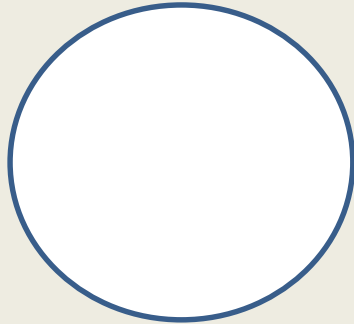
- Missing class/type designation
- Use of abbreviation “ABV” - Incorrect form of alcohol content statement
- Label has blank spaces for mandatory information, or multiple check boxes with nothing checked
- Government Health Warning is not compliant



## X & Y COORDINATES BEER COMPANY

**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.



## Missing Information:

- 1) Class/Type
- 2) Address
- 3) Net Contents
- 4) Alcohol Content  
(Optional)

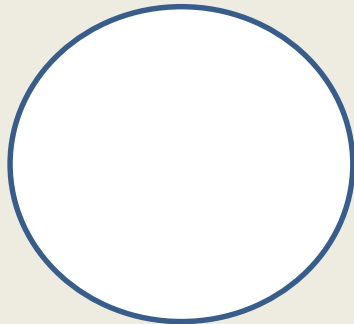


## X & Y COORDINATES BEER COMPANY

Brewed & Packaged in Steeleville IL

**GOVERNMENT WARNING:**

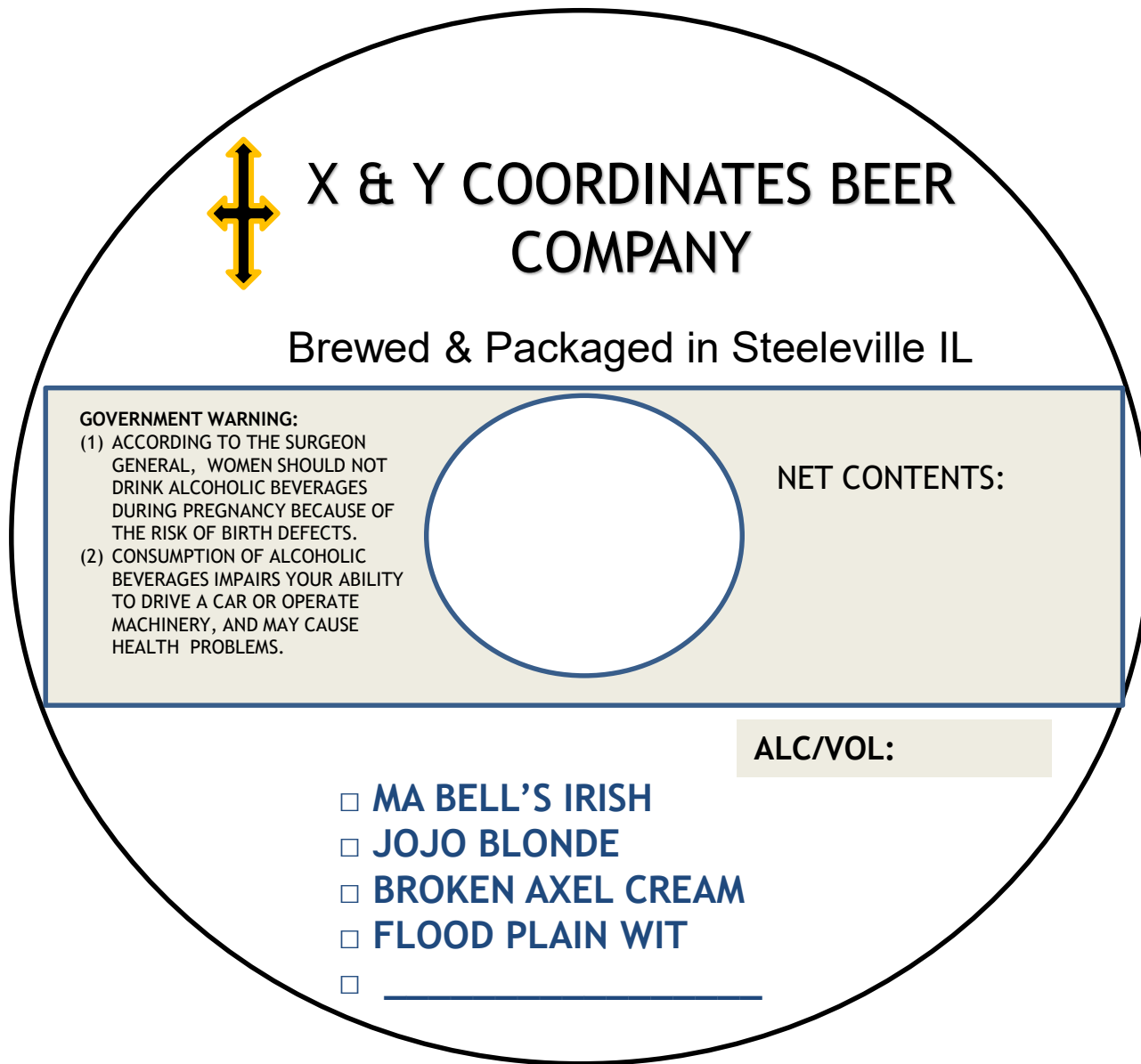
(1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS.



**Broken Axel  
Cream Ale  
5% Alc./Vol 5 Gal**

## Missing Information:

- 1) Class/Type
- 2) Address
- 3) Net Contents
- 4) Alcohol Content (Optional)



## Missing Information:

- 1) Class/type (ALL)
- 2) Net contents
- 3) Alcohol content
- 4) Checkmark for product
- 5) "Irish" requires a qualification
- 6) "Wit," by itself, is not an adequate designation

**X & Y COORDINATES  
BEER COMPANY**

Brewed & Packaged in Steeleville IL

**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.

**NET CONTENTS:**  
 15.5 Gal  
 5.16 Gal

**ALC/VOL: 5%**

- MA BELL'S IRISH STYLE ALE
- JOJO BLONDE ALE
- BROKEN AXEL CREAM ALE
- FLOOD PLAIN SPICED WIT BEER
- \_\_\_\_\_

## Missing Information:

- 1) Class/type (ALL)
- 2) Net contents
- 3) Alcohol content
- 4) Checkmark for product
- 5) "Irish" requires a qualification
- 6) "Wit," by itself, is not an adequate designation



# Growlers & Crowlers



- [TTB Beer FAQ B9](#)
- Determine the container type:
  - A growler/crowler is **a large serving glass** when a consumer uses the container to make a purchase and the brewer then fills the container
    - Consumers may furnish their own growler or may purchase it from the brewer
  - A growler/crowler is **a bottle** and requires labeling when the brewer fills the container in advance of sale
    - The brewer may fill the growler/crowler prior to removal, on the brewery premises, or after tax determination on the brewpub premises



# Labeling Requirements for Growlers/Crowlers

- If a serving glass:
  - Not subject to Federal labeling requirements
  - Some states may consider this bottling activity and regulate accordingly - brewers should check with state authorities
- If a bottle:
  - Subject to the Federal labeling requirements of 27 CFR part 16 and part 25
  - In some states the requirements of 27 CFR part 7 also apply





# Can I Change my Approved Label Without a New COLA?

- Review [List of Allowable COLA Revisions](#)
  - Available on TTB Form 5100.31
- You must be able to identify the COLA for which 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



# Examples of Changes to Labels That Require a New COLA

- Addition of new information or graphics (unless specifically authorized by the list of allowable revisions)
- Addition of new location listed on label
- Change in class or type



# Allowable Changes to Labels

- Change label size (for example, to fit a different container size)
- Change net contents
- Add, delete, or change an optional alcohol content statement
- Change a mandatory alcohol content statement
- Change numerical values for serving facts statement or statement of average analysis
- And more...

# Modernization of TTB Labeling and Advertising Regulations





# Modernization of TTB Labeling and Advertising Regulations

- TTB has undertaken a multi-year initiative to update our labeling and advertising regulations
- Notice 176
  - Published November 26, 2018
  - Comment period extended 90 days and closes **June 26, 2019**
  - <https://www.regulations.gov/document?D=TTB-2018-0007-0001>



# Proposed Clarifying Changes

- Where possible, we've introduced consistency between parts 4, 5, and 7
- We've included cross-references and examples to increase usability
- We've incorporated policies and guidance for one-stop shopping



# Proposed Clarifications

- Industry members who make allowable changes to labels must keep track of which COLA applies to each product that requires a COLA
- In light of COLAs Online, clarified that industry members are not required to keep paper copies of approved COLAs
- The use of flags is only prohibited if used in a misleading way
- Clarified the FAA Act rules for in-state only labels for malt beverages



# Proposed Liberalizing Changes

- Certain mandatory information may appear on keg collars or a tap covers, which do not have to be firmly affixed, provided that the name of the brewer is permanently or semi-permanently stated on the keg
- All mandatory information may appear on any label on the malt beverage container
- TTB Ruling 2015-1 is incorporated providing that certain malt beverages may be designated in accordance with trade and consumer understanding
- The tolerance for alcohol content on malt beverages is expanded to one percentage point above or below the labeled alcohol content





# Potentially Restrictive Proposed Changes

- This rulemaking is not intended to cause large-scale relabeling, but we specifically request comment on that issue
- New prohibited practice: you may not use labeling that creates a misleading impression that the product is a different commodity
- Added cross reference to CBP requirement that imported products are required to show country of origin
- We are proposing to give industry members three years to come into compliance with the proposed regulations (should they be finalized)



# How to Comment

- **Federal e-Rulemaking Portal:**
  - Use the online comment form posted within Docket No. TTB-2018-0007 on the Federal e-rulemaking portal at <https://www.regulations.gov>
- **U.S. Mail or Hand Delivery:**
  - Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005



# Next steps

- We will review all comments received
- We may have to draft additional rulemaking documents to address new/revised proposals
- Issue final rule(s)



# Summary & Questions