TTB Disclaimer

Notice:

• 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.
• The sample labels in this presentation are for purposes of illustration only and do not represent actual labels.
• Please consult the applicable laws and regulations for the most current requirements.
Mission of TTB As it Relates to Malt Beverages

• Collect the taxes on beer.
• Protect the consumer by ensuring the integrity of malt beverages.
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)

*If the product bears labels identical to the labels affixed to the face of the certificate, or labels with changes authorized by the certificate.*

• The COLA does **not** constitute trademark protection. See TTB F 5100.31.

27CFR 13.11
Malt Beverage Statistics
## Processing Times

<table>
<thead>
<tr>
<th>Process</th>
<th>Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brewer’s Notice</td>
<td>156</td>
</tr>
<tr>
<td>Formula Review</td>
<td>25</td>
</tr>
<tr>
<td>Labeling Review</td>
<td>21</td>
</tr>
</tbody>
</table>
Total Formulas Submitted: 15,504  
Approved: 13,063  

TTB Ruling 2014-4 Implemented
MB COLAs (FY11 to FY15)

<table>
<thead>
<tr>
<th>Year</th>
<th>MB Labels Received</th>
<th>MB Labels Approved</th>
<th>Received Percent Change</th>
<th>Approved Percent Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY2011</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FY2012</td>
<td></td>
<td></td>
<td>-17%</td>
<td></td>
</tr>
<tr>
<td>FY2013</td>
<td></td>
<td></td>
<td>11%</td>
<td>13%</td>
</tr>
<tr>
<td>FY2014</td>
<td></td>
<td></td>
<td></td>
<td>28%</td>
</tr>
<tr>
<td>FY2015</td>
<td></td>
<td></td>
<td></td>
<td>25%</td>
</tr>
</tbody>
</table>

Total COLAs Received: 93,934
Approved: 75,004
## MB COLAs First Submission Stats

<table>
<thead>
<tr>
<th></th>
<th>MB Labels Approved on First Submission</th>
<th>MB Labels Submitted with Error (Year to Year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY2011</td>
<td>58%</td>
<td>N/A</td>
</tr>
<tr>
<td>FY2012</td>
<td>56%</td>
<td>20%</td>
</tr>
<tr>
<td>FY2013</td>
<td>54%</td>
<td>8%</td>
</tr>
<tr>
<td>FY2014*</td>
<td>49%</td>
<td>24%</td>
</tr>
<tr>
<td>FY2015</td>
<td>53%</td>
<td>13%</td>
</tr>
</tbody>
</table>

*TTFB Ruling 2014-4 Implemented*
MB Labeling Top 6 Corrections

- Class/Type is Missing
- General Misleading
- Formula Requirement
- Clarification Needed
- Brand Name Does Not Match
- Alc by Vol in Wrong Format
Labeling Requirements
Laws and Regulations Covering Labeling of Malt Beverages and Beer

  • 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
When is a COLA Not Required?

• If your beer is not a malt beverage under the FAA Act (usually because it is not made with both malted barley and hops), then you do not need a COLA. (See TTB Ruling 2008-3).
  • (Special rules apply to sake, which is a wine under the FAA Act if it has at least 7 percent alcohol by volume.)

• Brewers bottling a malt beverage that will be sold exclusively in the State in which it was bottled are not required to obtain a COLA. See TTB Ruling 2013-1.
  • However, if the state where the malt beverage is bottled requires an approved COLA from TTB, then you may need a COLA to comply with State law.

Regulatory Requirements Regardless of COLA Requirement:
• Government Warning Statement per 27 CFR Part 16
• Markings per 27 CFR Part 25, Subpart J (for domestic brewers)
• Formula Review for domestic beers under part 25 (if applicable)
1) Brand Name
2) Name and Address
3) Class/Type
4) Net Contents
5) Government Warning
6) Alcohol Content (Optional)
# Mandatory Label Information

## 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

## Any Label
- Name and Address (Imported) - 27 CFR 7.25
- Country of origin - (CBP Requirement for Imports)
- Declaration of Certain Ingredients, if Applicable - 27 CFR 7.22:
  - Aspartame
  - Sulfites
  - FD & C Yellow #5
  - Cochineal Extract or Carmine
Mandatory Label Information

General Requirements

• All mandatory information must be readily legible under ordinary conditions, and must appear on a contrasting background.

• All mandatory information (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
  • TTB Malt Beverage BAM (Beverage Alcohol Manual)
  • 27 CFR 7.28, General Requirements
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:
  • Label and Application Don’t Match
  • Class/Type listed as Brand Name on Application
Mandatory Label Information
Class and Type

• Specific identity of the malt beverage
  Beer  Ale  Porter  Stout  Lager  Malt Liquor  Cereal Beverage  Near Beer

• Flavored Malt Beverages that Require a formula:
  - Fanciful Name
  - Statement of Composition

• Malt Beverages that are exempt from formula requirements under TTB Ruling 2015-1 must be designated in accordance with trade understanding as set forth in that ruling.

Examples:
- JoJo’s Chamomile Ale
  AND
  Ale Brewed with Chamomile
- JoJo’s Pumpkin Stout
  OR
  Stout brewed with pumpkins
Class/Type Common Mistakes

• Leaving the class designation off of the label
• IPA (the word “ale” must appear)
• Hefeweizen, Bock, Tripel, Dubbel, Bier (which are not sufficient in and of themselves).
• Leaving designation of the base beer off of the Statement of Composition. The Statement of Composition must include the base designation
  (e.g., “Ale with vanilla extract.”)
Mandatory Label Information
Name and Address

- City and State of bottler/packer

**Common Mistakes:**
- Leaving this information off of the label
- City and state do not match the address on the Brewer’s Notice.
Mandatory Label Information

Net Contents

- English units of measure (e.g., fluid ounces, pints, quarts, gallons)
- May show both Metric and English Units on the label
  
  1 Pint 9.4 fl. oz. (750 mL)

- Common Mistakes:
  - Stating “oz.” instead of “fl. oz.” on the label.
  - Stating ‘16 fl oz’ instead of ‘1 Pint’ (May list both)
  - Not converting measurements (22 fl oz vs. 1 Pint 6 fl oz)
  - Listing only Metric Units (750 mL)
Mandatory Label Information

Alcohol Content

- Alcohol content statement is mandatory for malt beverages that contain any alcohol 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)

- Common Mistakes:
  - Incorrect format - “ABV” is not permitted.
  - Leaving off part of the phrase or the percentage symbol (%).
  - Not listing alcohol content on the label for products that contain added alcohol from a flavor.

27CFR 7.71
Mandatory Label Information

Government 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.
Geographic names
27 CFR 7.24

• Geographic 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 appear without qualifiers (such as “style” or “product of USA”).
  • “Product of the USA” is not in direct conjunction with the geographic name.
Geographic Names

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)
(Not a Full List)

- Belgian
- Berliner
- English
- Irish
- Kolsch
- Vienna
- West Coast (or similar)
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.
Belgian-Style Ale

Ale brewed with spices

(Coriander, Grains of Paradise, Orange Peel)

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.
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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.

Note: Not an All Inclusive List

27 CFR 7.29
Can I Change my Approved Label Without a New COLA?

• Review **List of Allowable COLA Revisions**
  • Available on TTB F 5100.31 Form
• You should be able to identify the COLA on which you are relying to bottle a malt beverage, in the event that TTB asks you to provide evidence that the label is covered by a COLA.
Changes to Labels That Require Resubmission

• Addition of Text or Artwork
• Addition of New Location Listed on Label
• Going from one label to multiple labels
  • Can (brand) to Bottle (brand, back, neck)
• Change in class or type
Allowable Changes to Label, In Accordance with Form 5100.31

- Change Label Size (e.g., to fit a different container);
- Change Net Contents Value;
- 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...
TTB Contact Resources

• michael.webster@ttb.gov

• Advertising Labeling & Formulation Division
  • 866-927-2533 opt. 7 Formula, 8 MB Labeling
  • alfd@ttb.gov

• International Affairs Division
  • 202-453-2260
  • iad@ttb.gov
Resources

Websites
- www.ttb.gov
- www.fda.gov
- www.ecfr.gov
- 27 CFR parts 7, 16, and 25
- MB Beverage Alcohol Manual
- TTB Beer Rulings

Key Words
- TTB
- Malt Beverage
- BAM
- Beverage Alcohol Manual
- Beer Rulings
- ECFR