



## Label Perfection! How Can I Say That on My Distilled Spirits Label?

Presented by Stephen Robey,  
Formulation Specialist



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### Distilled Spirits Labeling 27 CFR part 5

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

Alcohol and Tobacco Tax and Trade Bureau

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.

### 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 (Cont'd)

- 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**

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## 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**

Alcohol and Tobacco Tax and Trade Bureau




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.



## Standards of Identity

**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**

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## 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**

Alcohol and Tobacco Tax and Trade Bureau



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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**

Alcohol and Tobacco Tax and Trade Bureau



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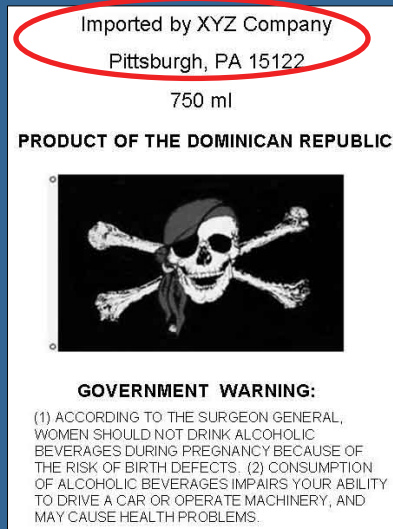


## Bottler's/Importer's Name and Address

- Name or trade name of the bottler/importer as listed on the permit
- Address (City, State) of the bottler/importer as listed on the 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

Alcohol and Tobacco Tax and Trade Bureau



# Net Contents

- Metric standards of fill; authorized sizes per 27 CFR 5.47(a)
- May be on label or etched/blown into the container
  - If imported, a photo of the container must be sent with the application.
- “ml” on containers of less than 1 liter; “L” and decimal portions on containers of one liter or more
- May appear on any label

**27 CFR 5.38, 5.47a**

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## Sulfite Declaration

- Must declare if 10 ppm or more
- “Contains Sulfites” **OR** “Contains (a) sulfiting agent(s)”
- Statement may appear on any label
- If less than 10 ppm, may be omitted

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## Health Warning Statement

- May appear on any label

**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 16

Alcohol and Tobacco Tax and Trade Bureau



## Health Warning Statement (Cont'd)

- 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

27 CFR 16

Alcohol and Tobacco Tax and Trade Bureau



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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**

Alcohol and Tobacco Tax and Trade Bureau



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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

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27 CFR 5.39



## FD&C YELLOW #5

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

CONTAINS FD&C YELLOW #5

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27 CFR 5.32



## Treatment with Wood

- Applies only to brandy and whisky
- Does not refer to contact with wood containers
- Does not apply to oak chip infusions that are blending materials in brandy
- “COLORED AND FLAVORED WITH WOOD \_\_\_\_\_”  
(CHIPS/SLABS/EXTRACTS/ETC.)

27 CFR 5.39

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## 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

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## 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

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27 CFR 5.40



## State of Distillation (U.S. Whiskies only)

- Bourbon Whisky
- Rye Whisky
- Wheat Whisky
- Malt Whisky
- Rye Malt Whisky
- Corn Whisky
- Straight Bourbon Whisky
- Straight Rye Whisky
- Straight Wheat Whisky
- Straight Malt Whisky
- Straight Rye Malt Whisky
- Straight Corn Whisky
- Straight Whisky
- Whisky Distilled from Bourbon Mash
- Whisky Distilled from Rye Mash
- Whisky Distilled from Wheat Mash
- Whisky Distilled from Malt Mash
- Whisky Distilled from Rye Malt Mash

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27 CFR 5.36



## State of Distillation (Cont'd)

- Required if the whisky is not distilled in the State identified in the name and address
- Required if the label is in any way misleading about the actual State of distillation
- Required if the name and address does not appear on the front label

27 CFR 5.36

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## 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
200ml or less	1mm
Larger than 200ml	2mm

27 CFR 5.33

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## Type Size Requirements (Cont'd)

### Health Warning Statement

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

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

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27 CFR 16.22



## 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
- Statements must be substantiated by Production Records

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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

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## Allergen Disclosures (Cont'd)

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

**27 CFR 5.32a**

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## Organic Labeling

- 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

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## Organic Labeling (Cont'd)

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

**27 CFR 5.71**

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## Prohibited Practices

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

27 CFR 5.42

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## Prohibited Practices (Cont'd)

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

27 CFR 5.42

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## 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**

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## Certificate of Label Approval (Cont'd)

- 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 Form 5100.31** for Paper application
  - **TTB Form 5013.2** for application to access COLAs Online

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- 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

- Include copies of any formulas, pre-import letters, or lab analysis results that may pertain to the label
- Include supporting documentation for organic labels



## Helpful Hints (Cont'd)

- 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 the space provided, they may be reduced, but copies must be legible
- Provide translations for any foreign text on labels or in supporting documentation

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## Helpful Hints (Cont'd)

- 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

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## Resources

- TTB.gov
- Labeling
  - 27 CFR part 5
  - Beverage Alcohol Manual (BAM)

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## Contact Information

- **Advertising, Labeling and Formulation Division Customer Service**
  - **Phone:** 866-927-2533 or 202-927-8140
    - 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)

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