

Malt Beverage Labeling

Presented by
Battle Martin, Labeling Specialist



Overview

- Malt Beverage and Formulation
- Contact Information
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- Current Issues
- Laws and Regulations
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- COLAs Online
- Resources

Malt Beverage, Distilled Spirits, and Formulation Team

- Gracie Joy, Assistant Director
- Roberta Sanders, Program Manager
- Shelia Taylor, Quality Assurance Coordinator
- Michelle Williams-Ellerbe, Program Analyst

Formula Specialists

Shonda Geddie

Stephen Robey

Michael Warren

Label Specialists

Battle Martin

Sarah Johnson

Lucy Pacheco

Customer Service Specialist

Tracy Harmon

Application Submission FY 2008

- ALFD Workload for FY 2008:
 - Certificates of Label Approval (COLAs) — 133,427
 - Malt Beverage COLAs Only — 10,144
 - COLAs Online — 6,948
 - Paper Applications — 3,196
 - The timeframe for processing COLAs Online is half that of processing paper applications

Current Issues

- Flavored Malt Beverage Ruling
 - Treasury Decision 21
- Voluntary Disclosure
 - Industry Circular 2004-5
- Allergen labeling 27 CFR 7.22

Legal Authority

- Federal Alcohol Administration Act (FAA Act, 27 U.S.C. Chapter 8)
- Alcoholic Beverage Labeling Act of 1988 (Government warning statement)
- Webb-Kenyon Act (27 U.S.C. Sec. 122)
- Internal Revenue Code (26 U.S.C. Chapter 51 and Section 5051)

Specific Regulatory Authority for Malt Beverages

- Alcoholic Beverage Labeling Act of 1988 – 27 U.S.C. 213, *et seq.*
 - 27 CFR part 16 – Alcoholic Beverage Health Warning Statement
- FAA Act – 27 U.S.C. 205
 - 27 CFR part 7 – Malt Beverages
- Internal Revenue Code – 26 U.S.C. Chapter 51
 - 27 CFR part 25 – Beer

Certificates of Label Approval (COLAs)

- TTB's statutory mandate:
 - To prevent consumer deception, and
 - To ensure that alcohol beverage labels provide consumers with adequate information as to the identity and quality of the product

Mandatory Label Information

Brand Label:

- Brand Name
- Class
- Name and Address (domestic)
- Net Contents
- Alcohol Content (for Flavored Malt Beverages)

27 CFR 7.23, 7.24, 7.25, 7.27, and 7.22, respectively

Any Label:

- Government Warning Statement
- Name and Address (Imported)
- Country of Origin
- Declaration of Aspartame
- Declaration of Sulfites
- FD&C Yellow #5

27 CFR 16.21-22, 7.25, and 7.22, respectively

Mandatory Label Information (Continued)

- **Brand Name** — Name under which the malt beverage is marketed
- **Class and Type** — Specific identity of the malt beverage; e.g., beer, ale, porter, stout, malt liquor, cereal beer, near beer
- **Name and Address** — City and State of bottler/packer

Mandatory Label Information (Continued)

- **Net Contents** — Must be expressed in English units of measure; e.g., fluid ounces, pints, quarts, gallons
- **Alcohol Content** — Optional, unless required by State law; mandatory when any alcohol comes from added flavors

Alcohol Content

27 CFR 7.71

- Alcohol content statements may appear as:
 - ALCOHOL (ALC) ___% by VOLUME (VOL), or
 - ALCOHOL (ALC) by VOLUME (VOL) ___%, or
 - ___% ALCOHOL (ALC) by VOLUME (VOL), or
 - ___% ALCOHOL (ALC)/VOLUME (VOL)
- “ABV” is not acceptable

Mandatory Label Information (Continued)

- Must appear in readily legible printing on a completely contrasting background
- Must be in English
- Print size for containers larger than $\frac{1}{2}$ pint is 2 millimeters
- Print size for alcohol content on containers larger $\frac{1}{2}$ pint is 3 millimeters
- Print size for alcohol content on containers of 40 fl. oz. or larger is 4 millimeters

Government Warning Statement

- Must be legible and on contrasting background
- Must be separate and apart from all other label text
- The words “**GOVERNMENT WARNING**” must appear in all 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.

Sample Label

ABC BREWERY

OREGON

Springfield, Oregon
12 FL. OZ.

LAGER

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.

Sample Statements of Composition

- Malt Beverage With Natural Flavor, Certified Color and Contains FD&C Yellow #5
- Ale with natural vanilla flavor
- Malt Beverage brewed with spices
- Malt Beverage with natural flavors, artificial colors

Sample Formula Approval

841000-SBR
09400004000001

ABC Brewery
123 Main Street
Springfield, OR 12345

Dear Industry Member:

This is in regard to your Statement of Process for “**BELGIAN STYLE ALE**” serial **number 1** submitted to this office for review.

All ingredients are approved for use and acceptable for the production of a Flavored Malt Beverage product.

Please be advised that the labels for this product must include a fanciful name with statement of composition. The suggested statement is as follows:

“MALT BEVERAGE BREWED WITH SPICES (CORIANDER, LEMON PEEL, ORANGE PEEL).”

Every Statement of Process for a malt beverage specialty or flavored malt beverage filed must be identified in ascending numerical order.

A copy of this letter must accompany all future correspondence (including label applications) regarding this product. If we can be of further assistance, please contact me at (202) 927-8111.

Sincerely yours,

Stephen B. Robey
Specialist, Advertising, Labeling, and Formulation Division

Sample Label

ABC BREWERY

OREGON

Springfield, Oregon
12 FL. OZ.

Belgian-Style Ale

ALE BREWED WITH SPICES
(CORIANDER, LEMON PEEL , 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.

Sample Label

Porter

OLD BUZZARD

12 Fluid ounces

**IMPORTED BY ABC IMPORT COMPANY,
SPRINGFIELD, OR.**

Product Of United Kingdom

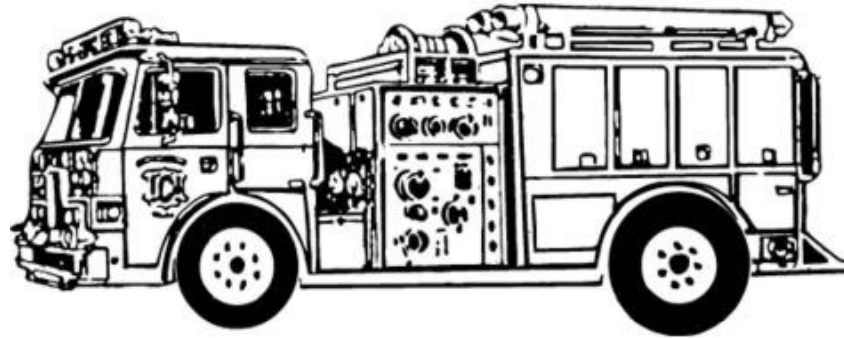
GOVERNMENT WARNING: (1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS.

Non Alcoholic

- Product must contain less than 0.5 % alcohol by volume
- Label must state “contains less than 0.5% alcohol by volume” in direct conjunction with “Non Alcoholic”
- May not be labeled as “Beer,” “Stout,” “Lager,” “Ale,” “Porter,” “Malt Liquor,” or “Lager Beer”
- Label must state “Non taxable under section 5051 I.R.C.”

Sample Label

**Fire Truck Brewing
Company**
Honesdale, PA



Non-Alcoholic Malt beverage
Contains less than 0.5% Alcohol by Volume
12 Fluid Ounces
Non-taxable under section 5051 I.R.C.

TTB Ruling 2008-3

- Labeling jurisdiction of malt beverages requires the product contain both malted barley and hops (27 CFR 7.10)
- Labeling jurisdiction for products without malted barley and/or hops is regulated by the FDA
- Contact FDA at 301-436-2371
- TTB still retains jurisdiction over formulas and revenue collection

Prohibited Practices

27 CFR 7.29

- Labels/cartons/cases shall not contain:
 - Any false or misleading information, especially relating to:
 - Irrelevant, scientific, or technical matters
 - Analyses or tests
 - Guarantees
 - Curative or therapeutic claims

Prohibited Practices (Continued)

- Labels/cartons/cases shall not contain:
 - Obscene or indecent material
 - The U.S. flag or U.S. military or Government seals or emblems
 - The words “strong,” “full strength,” etc.
 - Numbers which may be construed to be alcohol content

NOTE: This is not an all-inclusive list.

Allergen Disclosures

27 CFR 7.22 (a)

- Food Allergen Labeling & Consumer Protection Act of 2004, signed into law July 20, 2004, with effective date of January 1, 2006

Allergen Disclosures

27 CFR 7.22 (a)

- Under TTB's proposed regulations, producers, bottlers, and importers of alcohol beverages must declare on a product label the use of:
 - Milk
 - Eggs
 - Tree nuts
 - Soybeans
 - Peanuts
 - Wheat
 - Fish
 - Crustacean Shellfish
- As well as ingredients that contain protein from these foods

Allergen Disclosure

27 CFR 7.22(a)

- Under Interim Rule, effective 4/26/2006, voluntary labeling of major food allergens is allowed on the labels of alcohol beverages
- Allowed statements 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

Helpful Hints

- Paper applications must be printed 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

Helpful Hints (Continued)

- 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 percentage of reduction in item #19)
- Provide translation for any foreign text on labels or in supporting documentation

Helpful Hints (Continued)

- Include copies of any formula approvals, pre-import letters, or lab analysis
- Include supporting documentation for organic labels
- Ensure current calendar year is shown on serial numbers
- Never use the class/type in the brand or fanciful name on the application form

Helpful Hints (Continued)

- Check the list of allowable revisions to approved labels before re-submitting:
 - 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

COLAs Online



TTB

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU
U.S. Department of the Treasury

COLAs Online

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

TTB F 5100.31: Application For and Certification/
Exemption of Label/Bottle Approval

Welcome to COLAs Online

To begin, please Log On:

User Name:

Password:

Log on

[Need Help Logging On and Using COLAs Online / Public COLA Registry?](#)

[How do I register for COLAs Online?](#)

To view publicly available information about COLAs (both those filed via paper form and online), you may visit the [Public COLA Registry](#).

Public COLA Registry

COLA Registry

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

**TTB F 5100.31: Application For and Certification/
Exemption of Label/Bottle Approval**

- [Search Public COLA Registry](#)
- [COLA Registry FAQs](#)
- [Contact Us](#)
- [COLAs Online Logon](#)

Search for COLAs

Note: Certain generic searches, especially searches on Product/Fanciful Name without date parameters, can take several minutes to process. Whenever possible, a date range should be supplied.

Basic Search | [Advanced Search](#)

Basic Search Criteria

Note: Wild card character for a search is represented by a "%"

Date Completed: ?

From  MM/DD/YYYY To  MM/DD/YYYY

Product Name: ?

COLAs Online Getting Help

- To get started — 866-927-2533 or 202-927-8140
- Option 2 — COLAs Online technical assistance
- Option 3 — COLAs Online registration
- E-Mail — alfd@ttb.gov

Resources

- www.ttb.gov
- 27 CFR parts 7 and 16
- T.D. 21
- TTB Ruling 2004-1 (Low carb)
- TTB Procedure 2004-1 (lab methods)
- Beverage Alcohol Manual (BAM)
- www.fda.gov

Summary

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Contact Information

- Customer Service:
 - Toll Free: 1-866-927-ALFD, option #4
or 202-453-2250
- E-mail:
 - alfd@ttb.gov