

2009 TTB Expo Presentation

Labeling Essentials for Domestic Wine

Presented by:

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Wine Labeling Topics

- Mandatory Information
- Additional Information
- Prohibited Practices
- U.S./EC Wine Agreement
- Certificate of Label Approval
- Helpful Hints
- Resources

TTB's Mission

- TTB's statutory mandate:
 - Prevent consumer deception
 - Ensure that alcoholic beverage labels provide consumers with adequate information as to the identity and quality of the product

Mandatory Information Domestic Wine

Mandatory Label Information

Domestic Wine Labels:

Brand Label:

- Brand name
- Class/Type
- Alcohol content
- Appellation
(under certain circumstances)

Any Label:

- Bottler's name and address
- Net contents
- Sulfite declaration
- Health warning statement

Brand Name

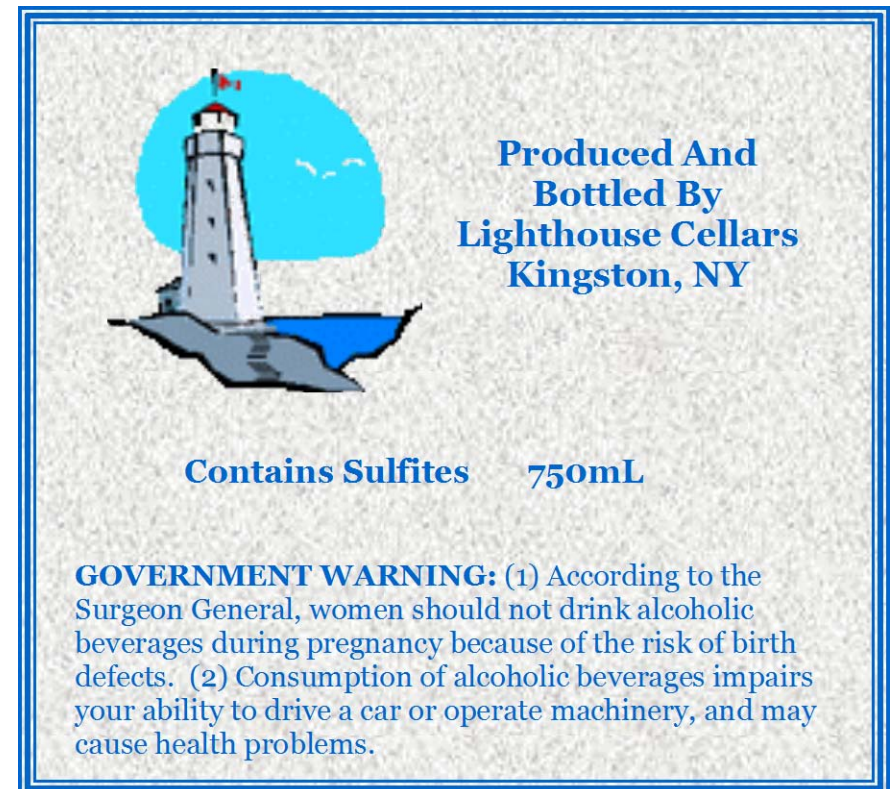
- Name under which the product will be sold
- If there is no brand name, the name of bottler or packer is deemed the brand name and must be on the brand label
- May not create a misleading impression
- Must appear on the Brand Label

Brand Name (Continued)

Brand
Label



Back Label



Standards of Identity

Nine Classes:

- Grape wine
- Sparkling grape wine
- Carbonated grape wine
- Citrus wine
- Fruit wine
- Wine from other agricultural products
- Aperitif wine
- Imitation and substandard or other than standard wine
- Retsina wine **

Class/Type Designation

- “Table wine” and “Dessert wine” may appear in lieu of the class designation for grape wine
 - Table wine: 7% – 14% alc/vol
 - Dessert wine: 14.1% – 24% alc/vol

Class/Type Designation (Continued)

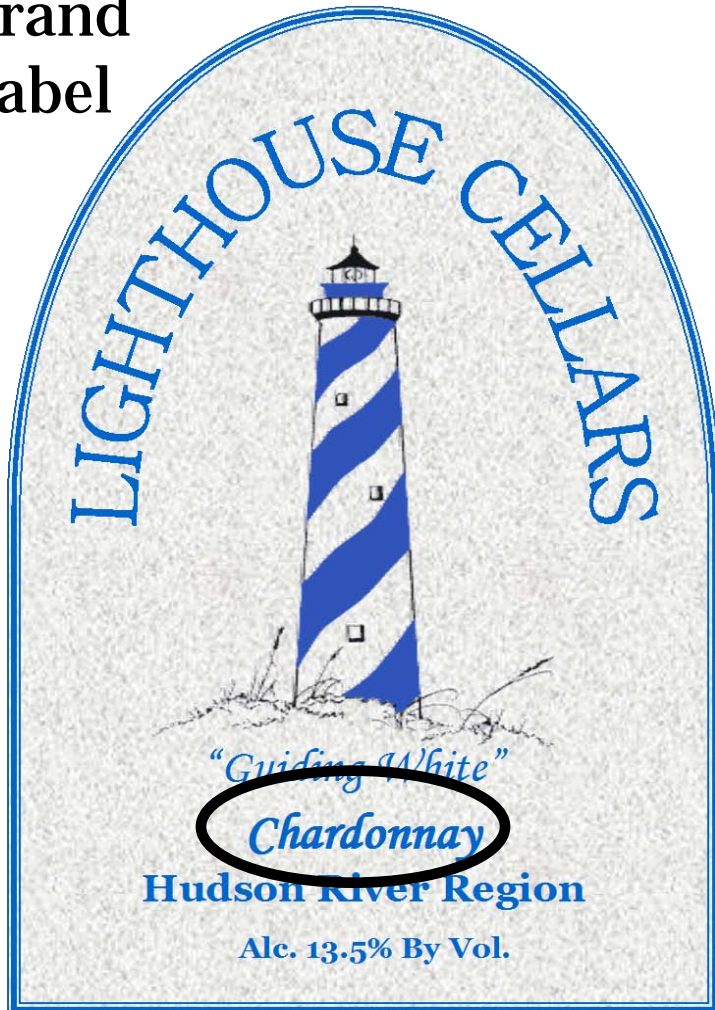
- “Red Wine”, “White Wine”, “Sparkling Wine”, “Peach Wine”, “Honey Wine”
- Truthful and adequate statement of composition must be used as the designation for most “wine specialty products”

Class/Type Designation (Continued)

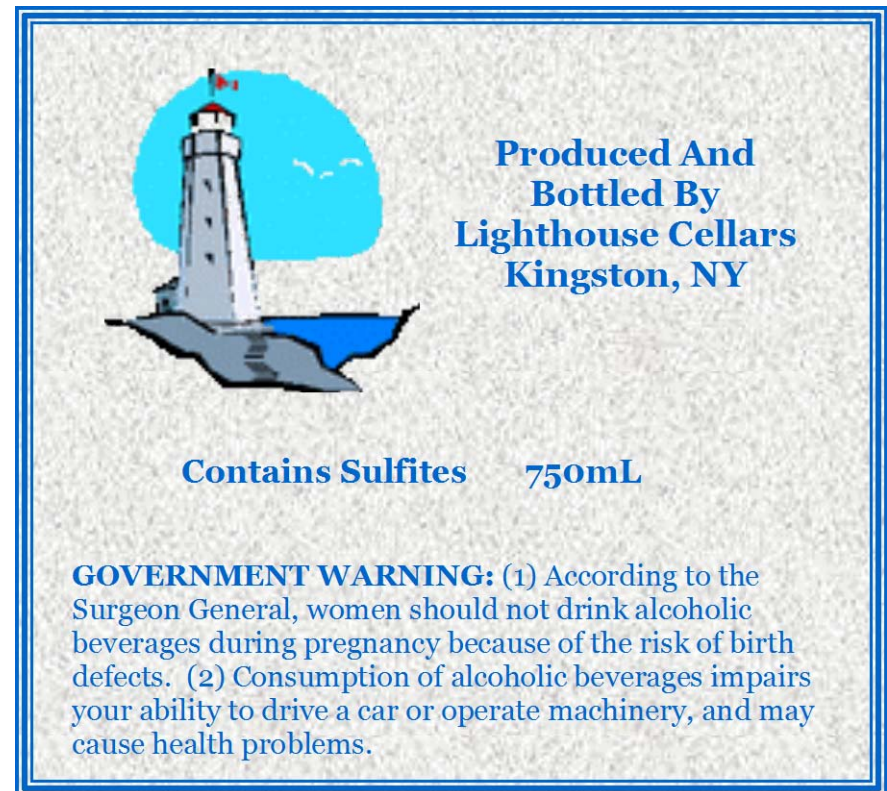
- A varietal (grape type) designation may be used under the provisions of 27 CFR 4.23
 - One variety → 75% of content
 - Two or more percentage of each,
→ must total 100%
 - Only approved grape names can be used (listed in 27 CFR 4.91)
- Must appear on the Brand Label

Class/Type Designation (Continued)

Brand
Label



Back Label

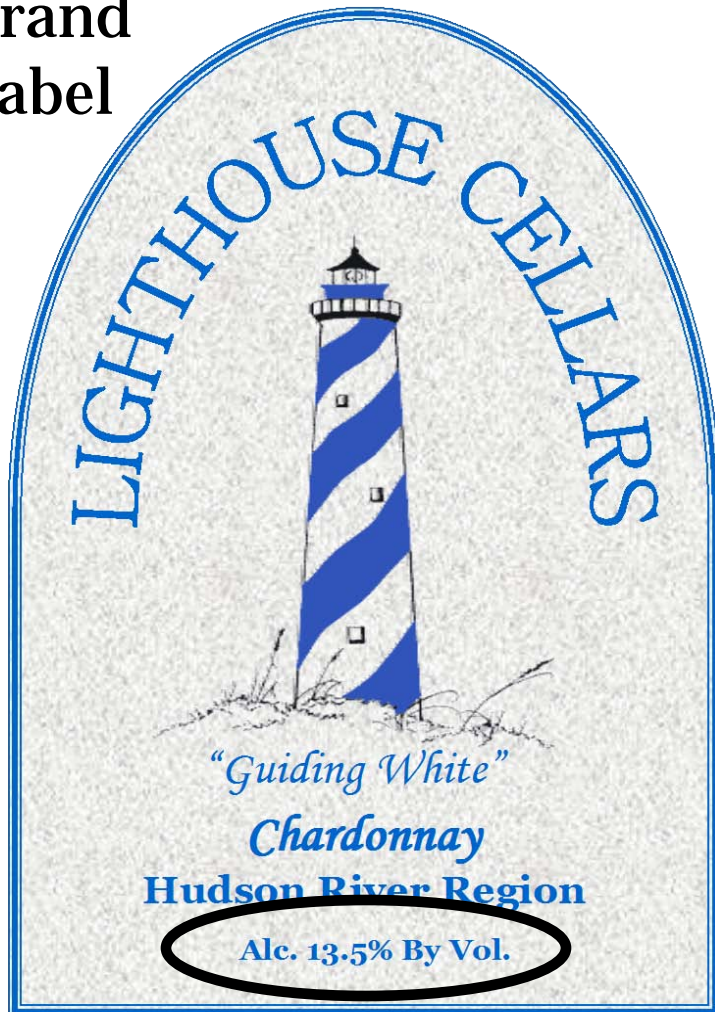


Alcohol Content

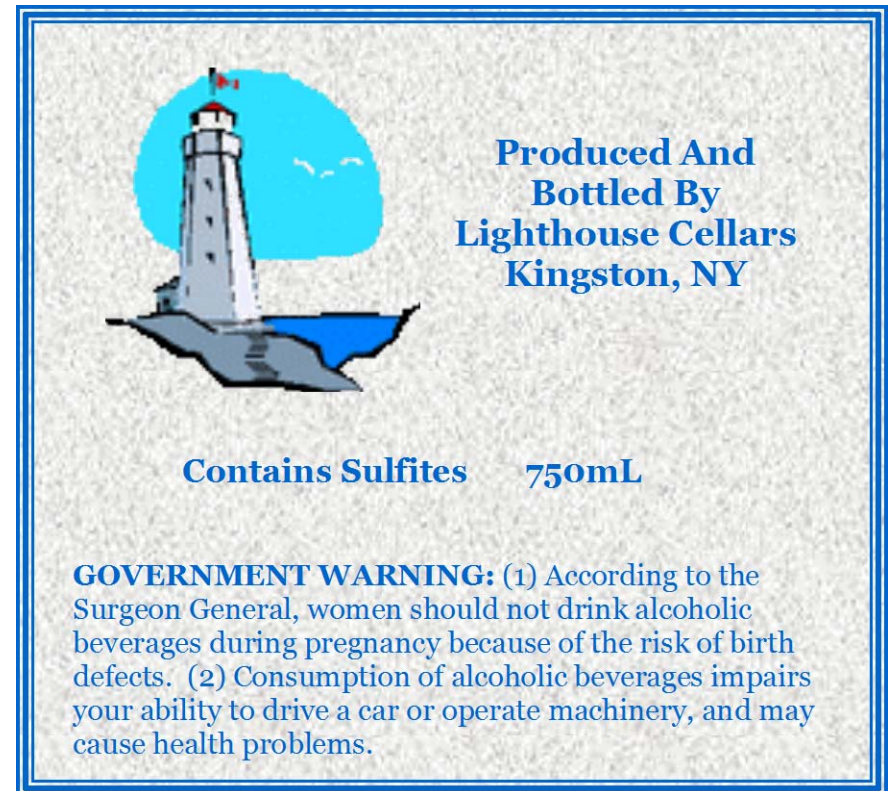
- Alcohol __% by volume
- “Table Wine” may be used for wine with 14% or less alcohol by volume
- Alcohol __% to __% by volume, for ranges
- “Alc.” and “Vol.”
- Tolerances; rounding off
- Must appear on the Brand Label

Alcohol Content (Continued)

Brand
Label



Back Label

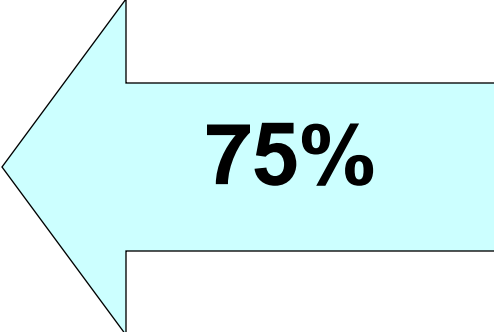


Appellation of Origin

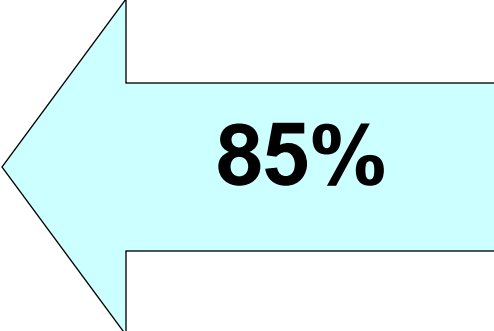
- Mandatory if any of the following appear on the label:
 - Grape varietal
 - Vintage date
 - Semi-generic designation, if grandfathered
 - Estate bottled/grown
 - Must appear on the Brand Label

Appellation of Origin (Continued)

- Political subdivision:
 - Country
 - State
 - County
- Viticultural Area:
 - American viticultural areas (27 CFR part 9)



75%



85%

Appellation of Origin (Continued)

Brand
Label



Back Label



Bottler's Name and Address

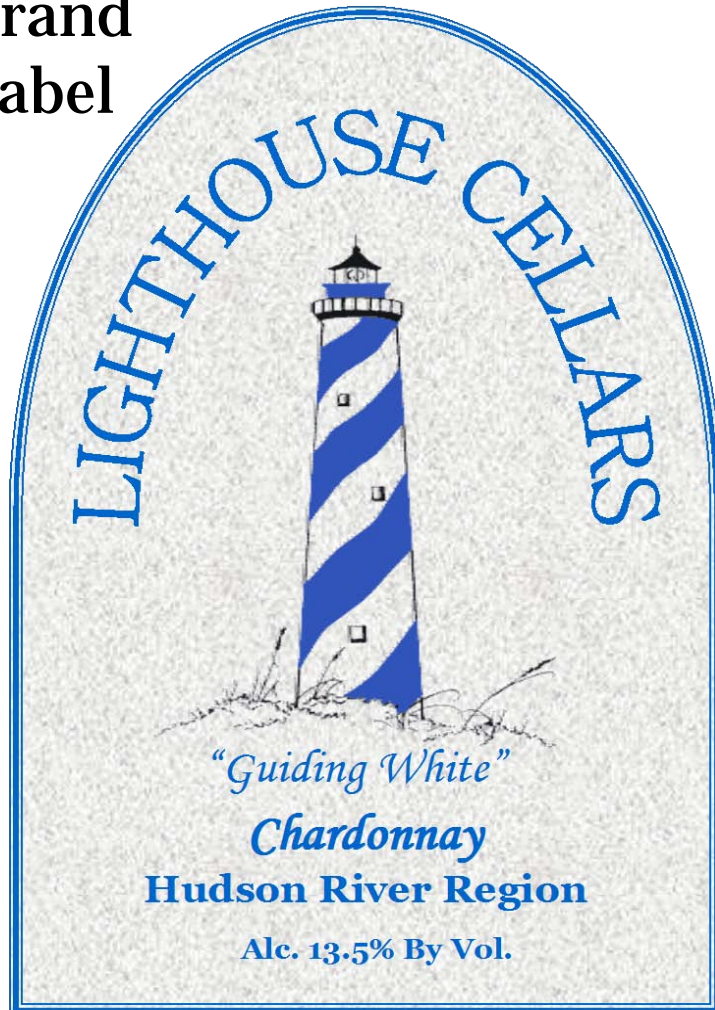
- Name or trade name (DBA) of bottler as listed on the permit
- Address (city and State) of bottler as listed on the permit
- “Bottled by” or “Packed by”
- May appear on any label

Optional Statements

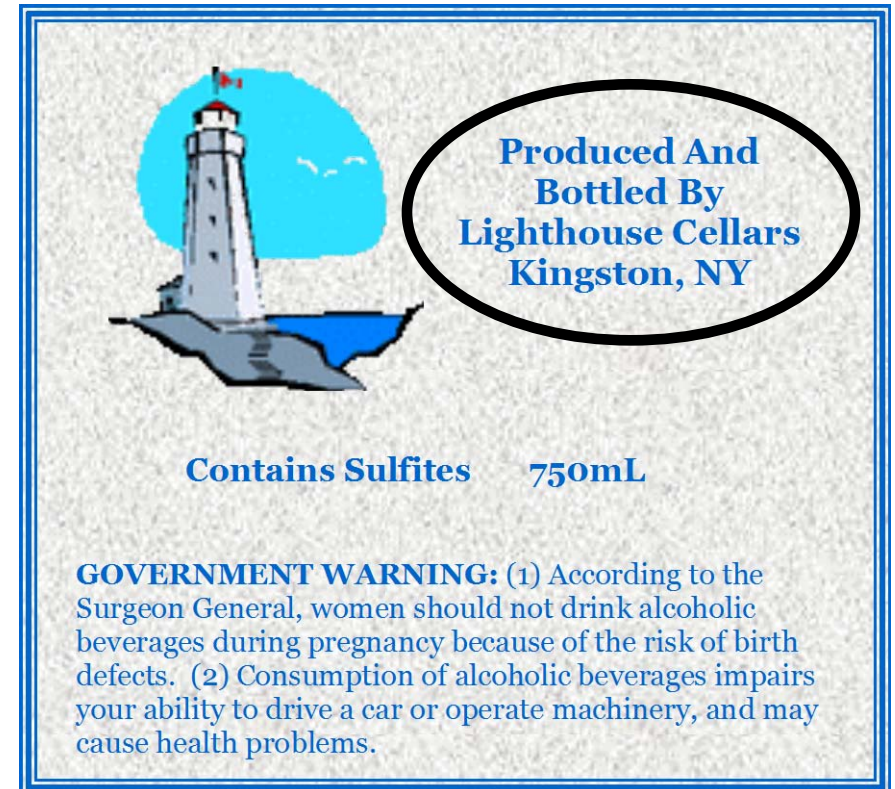
- Produced or made:
 - Fermented not less than 75% of the wine or changed the class/type or produced sparkling wine by secondary fermentation at stated address
- Blended:
 - Mixed wine with other wines of same class and type at stated address
- Cellared, vinted, or prepared:
 - Subjected wine to cellar treatments

Name and Address

Brand
Label



Back Label

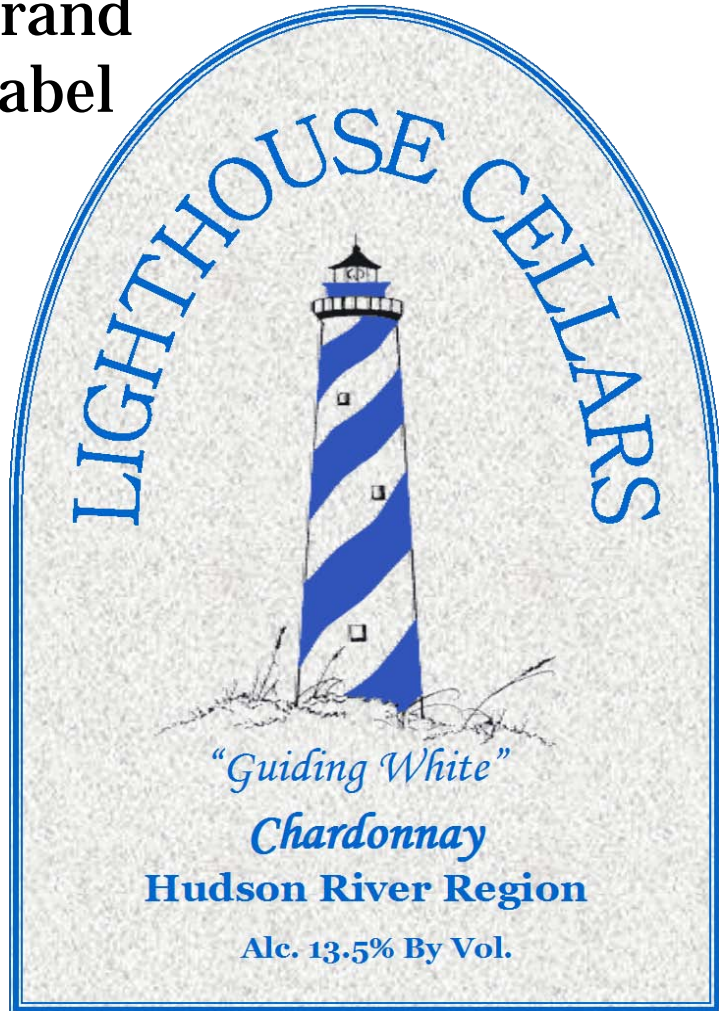


Net Contents

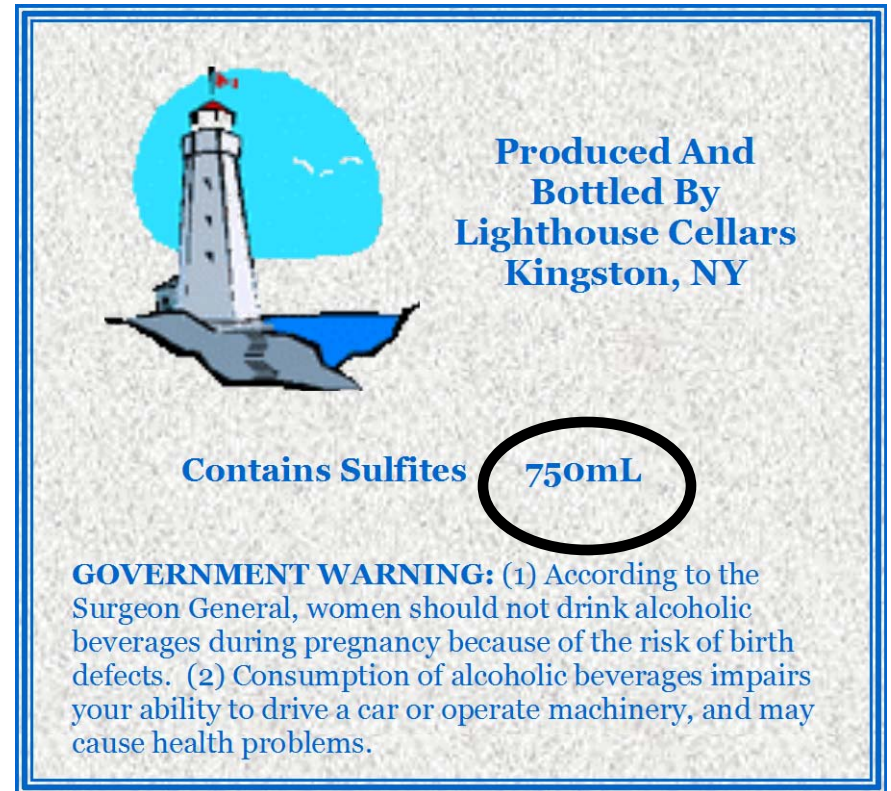
- Metric standards of fill; authorized sizes per 27 CFR 4.72
- May be on the label or etched/blown into the container
- “ml” or “mL” on containers of less than 1 liter; “L” and decimal portions on containers of one liter or more
- May appear on any label

Net Contents (Continued)

Brand
Label



Back Label

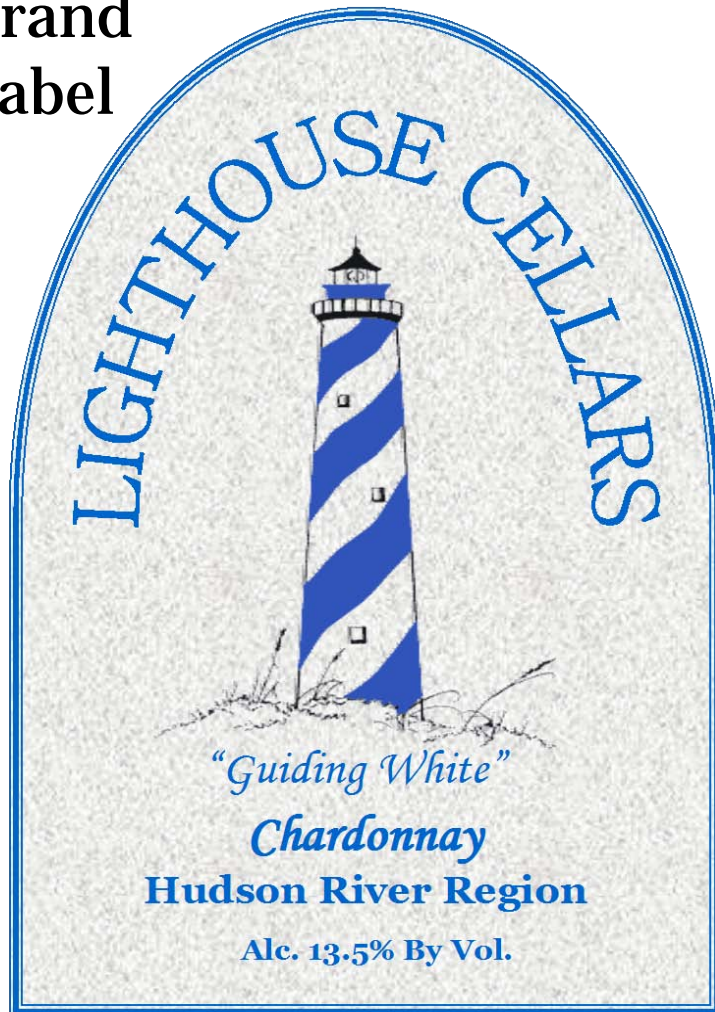


Sulfite Declaration

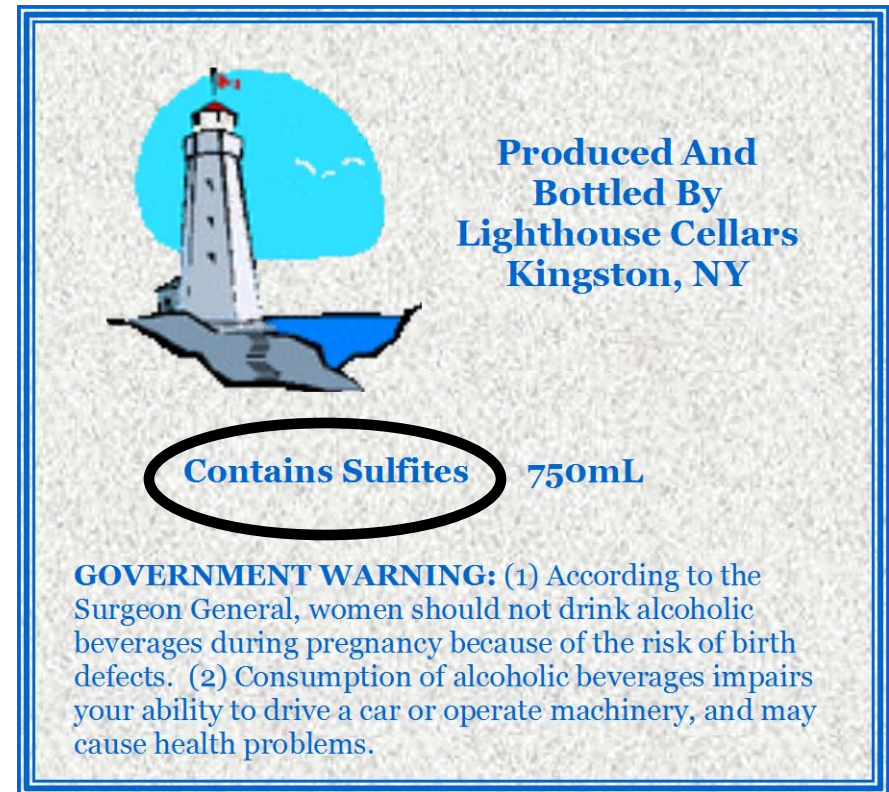
- Must declare if 10 ppm or more
- “Contains sulfites”
- Statement may appear on any label
- If less than 10 ppm, may be omitted:
 - Obtain analysis at TTB certified Laboratory
 - Attach analysis to COLA application

Sulfite Declaration (Continued)

Brand
Label



Back Label



Health Warning Statement

GOVERNMENT WARNING:

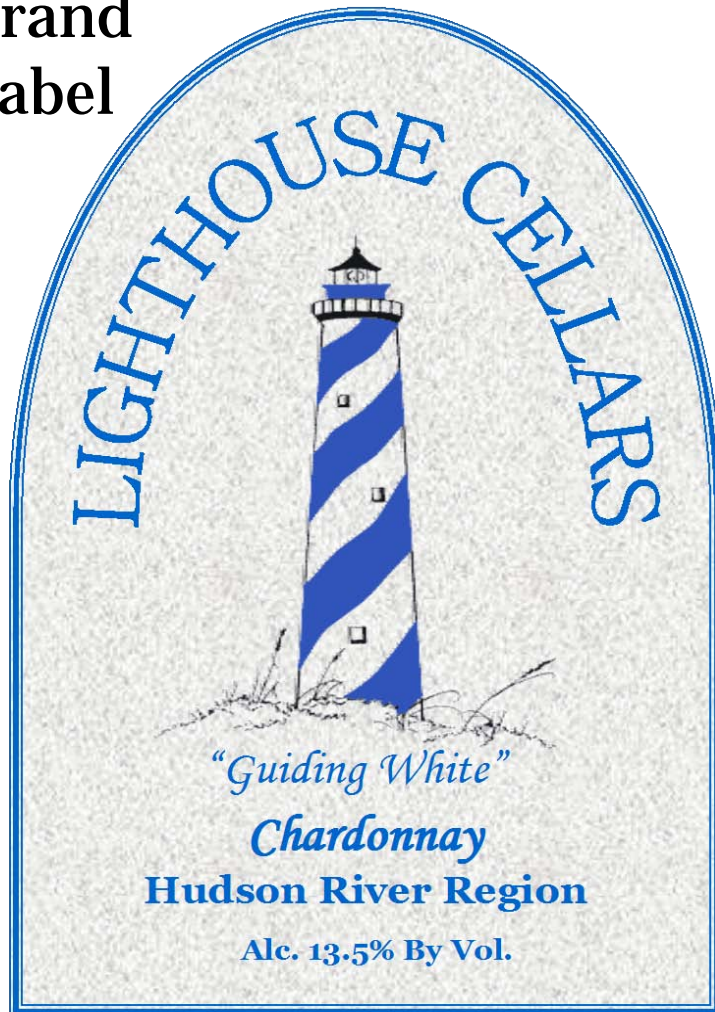
(1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. (2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery, and may cause health problems.

Health Warning Statement (Continued)

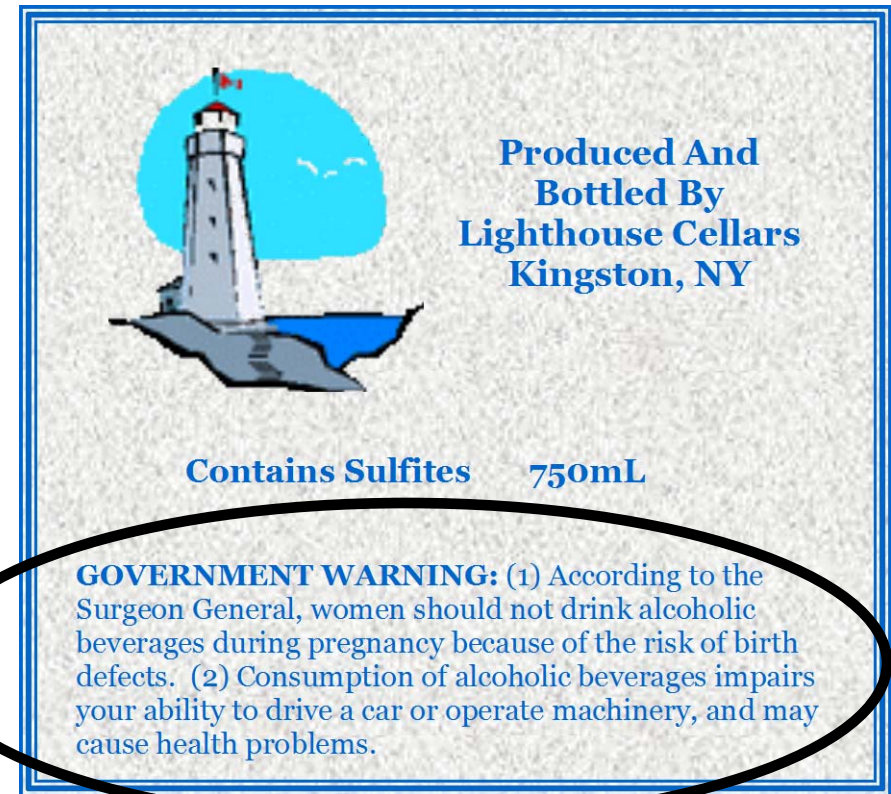
- The words “**GOVERNMENT WARNING**” must be in all capital letters and bold type
- The “S” in Surgeon and “G” in General must be capitalized
- Must appear as one statement
- Legible on contrasting background
- Separate and apart
- May appear on any label

Health Warning Statement (Continued)

Brand
Label



Back Label



Type Size Requirements

Brand name, Class/Type, Appellation, Net Contents, Name and Address statement, Sulfite declaration

Container Size	Minimum Print Size
187 ml or less	1 mm
Larger than 187 ml	2 mm

Type Size Requirements (Continued)

Alcohol Content

Container Size	Print Size
5 L or less	Not smaller than 1 mm Not larger than 3 mm

27 CFR 4.38(b)

Type Size Requirements (Continued)

Health Warning Statement

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

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

Additional Information

Additional Label Information

- Must be truthful, accurate, specific and not misleading
- May not conflict with or qualify mandatory information
- Must comply with the corresponding sections of the regulations
- Statements must be substantiated by production records

Estate Bottled

- Wine must be labeled with an American viticultural area appellation of origin
- Bottling winery must:
 - Be in the labeled AVA
 - Grow 100% of the grapes on land owned or controlled by the bottling winery within the boundaries of the labeled AVA
 - Produce and bottle all the wine in a continuous process, the wine never leaving the premises

Vintage Date

- Year in which the grapes were harvested
- Amount harvested in labeled calendar year:
 - **95%** if appellation is an American viticultural area
 - **85%** if appellation is NOT an American viticultural area
- Must include an appellation smaller than a country

Vineyard, Orchard, Farm, or Ranch Name

- 95% was produced from material grown on the named vineyard, orchard, farm, or ranch
- If showing multiple vineyards, percentages must be shown and must equal 100%

Allergen Disclosures

- Food Allergen Labeling and Consumer Protection Act of 2004, signed into law July 20, 2004 (effective Jan. 1, 2006)
- Under TTB's **proposed** regulations, producers, bottlers and importers of alcohol beverages must declare on a product label the use of:

Milk

Eggs

Fish

Tree Nuts

Wheat

Crustacean Shellfish

Peanuts

Soybeans

(as well as ingredients that contain protein derived from these foods)

Allergen Disclosures (Continued)

- Under Interim Ruling, 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 wine must be disclosed

Organic Labeling

- The National Organic Program (NOP) is administered by the U.S. Dept. of Agriculture (USDA) under 7 CFR Part 205
- Effective Oct. 21, 2002
- Added Subpart K to Part 4 to cross-reference USDA's NOP rules

Organic Labeling (Continued)

- Must be certified to USDA's NOP standards
- Obtain the 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, click on the WINE tab and look for the "Labels with Organic claims" link under LABELING
- Stop by the USDA's NOP exhibitor booth

Prohibited Practices

Prohibited Practices

- False, untrue, or misleading
- Statements disparaging to competitors
- Obscene or indecent
- Intoxicating qualities or implications that the product contains distilled spirits or is comparable to a distilled spirits product

Prohibited Practices (Continued)

- Statement of age, unless vintage or storage reference
- Misleading or untrue curative and/or therapeutic
- Statements suggesting the product is endorsed by the Government
- Geographic brand names

U.S./EC Wine Agreement

Domestic Labels

Semi-Generic or Retsina

- U.S./EC Wine Agreement signed on March 10, 2006
- Semi-generic names listed in 26 U.S.C. 5388(c):
 - Burgundy, Chablis, Champagne, Chianti, Claret, Haute Sauterne, Hock, Madeira, Malaga, Marsala, Moselle, Port, Rhine, Sauterne, Sherry, Tokay
- Retsina is a class of wine, 27 CFR 4.21(i)

Semi-Generic or Retsina (Continued)

- Tax Relief and Health Care Act of 2006, signed December 20, 2006
- The law change disallows use of semi-generic names or Retsina on new labels
- Grandfathered labels will be permitted

Semi-Generic or Retsina (Continued)

- Grandfather provisions:
 - Semi-generic names and Retsina may continue to be used on labels which were approved prior to March 10, 2006
 - Brand or fanciful name cannot be changed
 - Appellation can be changed
 - Attach copy of the previously approved COLA

Certificate of Label Approval (COLA)

Who Must Apply?

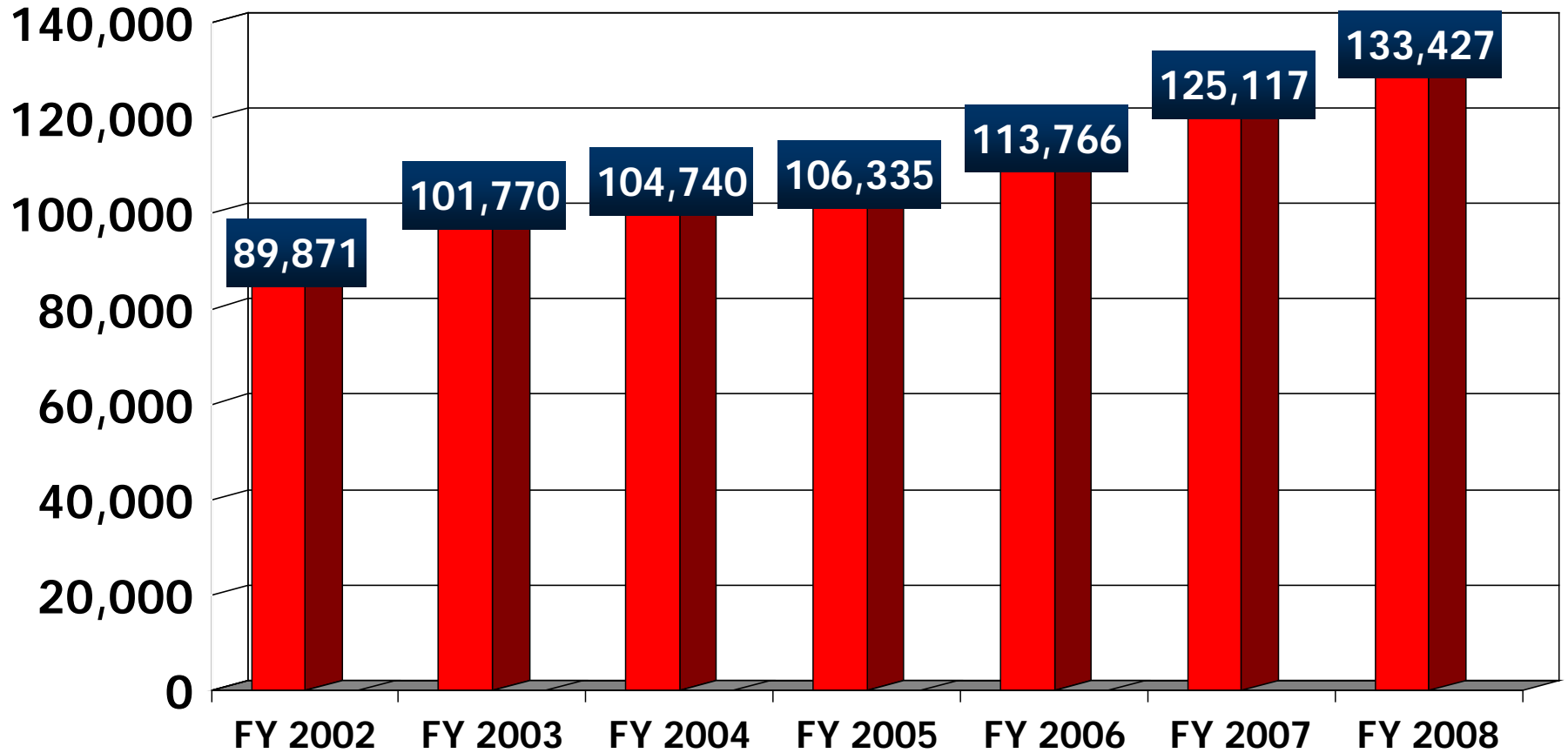
For domestic wines, the bottler must apply for label approval:

- Must obtain label approval prior to bottling
- Labels must be affixed prior to removal from bonded wine premises

COLA Submissions and Forms

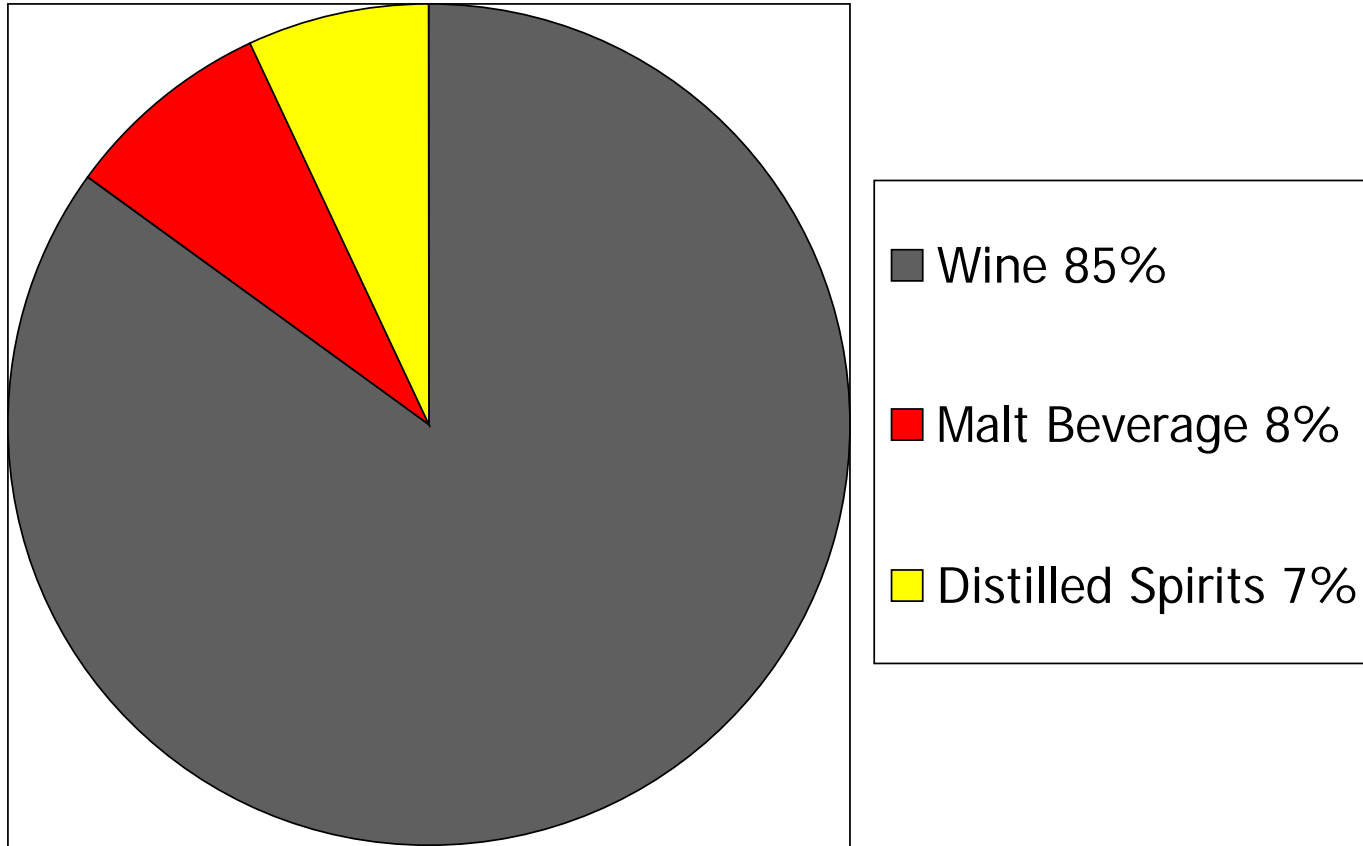
- Two ways to submit:
 - Paper application submitted in duplicate
 - Internet-based application through COLAs Online
- Forms available at www.ttb.gov, click on link for Forms:
 - TTB F 5100.31, for paper application
 - TTB F 5013.2, for application to access COLAs Online

COLAs Application Growth

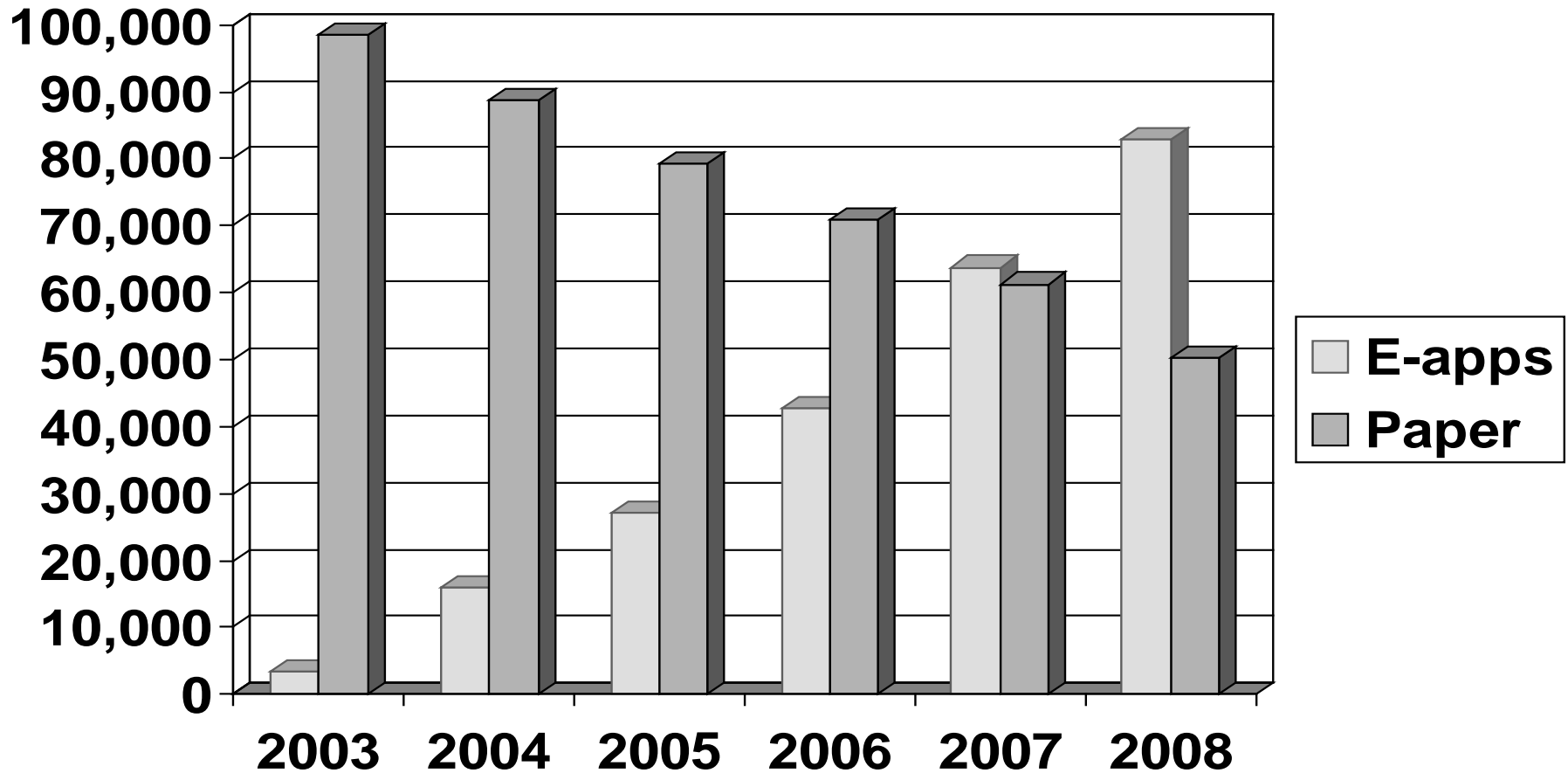


Since 2002 the number of applications received has increased 49%

Label Applications by commodity FY 2008



Application Submissions



In FY 2008, 62% of applications were filed electronically

Helpful Hints

Helpful Hints

- Paper applications must be printed on legal-size paper
- Applications must be signed
- Labels must be affixed to the front of the form; if labels do not fit in space provided, they may be reduced, but copies must be legible

Helpful Hints (Continued)

- Labels must be completely legible
- 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)

- Include copies of any formulas or lab analysis results that pertain to the label
- Include copies of prior approvals (prior to March 10, 2006) for domestic labels using semi-generic designations
- Include supporting documentation for organic labels or labels with biodynamic claims

Helpful Hints (Continued)

- Check list of allowable revisions to approved labels before resubmitting
 - List is on page 3 of TTB F 5100.31
- Sign up for COLAs Online!
- We suggest that you do not print your labels prior to receiving label approval

Resources

Resources

www.ttb.gov

- Labeling:
 - 27 CFR Part 4
 - Online Wine Seminar
- U.S./EC Wine Agreement:
 - TTB Industry Circular 2006-1
 - U.S./EC Wine Agreement Article and Q&As
 - U.S. Trade Representative Press Release
 - Tax Relief and Health Care Act of 2006

Resources (Continued)

Additional resources at TTB Expo:

- Exhibitor booths
 - Labeling
 - Formulation
 - USDA's National Organic Program
- E-Gov Room
 - COLAs Online

Governing Laws and Regulations

Law	Implementing Regulation	Regulation Title
Federal Alcohol Administration Act (FAA Act) 27 U.S.C. 201 et seq.	27 CFR part 4	Labeling and advertising of wine
	27 CRF part 9	American viticultural areas
	27 CFR part 12	Foreign non-generic names of geographic significance used in the designation of wine
Alcoholic Beverage Labeling Act of 1988 27 U.S.C. 213	27 CFR part 16	Alcoholic beverage health warning statement
Internal Revenue Code (IRC) 26 U.S.C. Chapter 51	27 CFR part 24	Wine
	27 CFR part 27	Importation of distilled spirits, wines, and beer

Contact Information

ALFD Customer Service:

- 866-927-2533 or 202-453-2250
 - Option 2 – COLAs Online password reset
 - Option 3 – COLAs Online registration questions
 - Option 4 – formulation, malt beverage labeling and distilled spirits labeling
 - Option 6 – wine labeling
- E-mail: alfd@ttb.gov