

2009 TTB Expo Presentation

Rejected Again! How Can I Improve My Distilled Spirits Labels?

Presented by
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Distilled Spirits Labeling Specialist



Overview

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

TTB Mission

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.

Mandatory Information

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)

Mandatory Information (Continued)

- 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

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

Captain John's Spiced Rum



Rum with natural flavors added
20% Alcohol by Volume (40 Proof)

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

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

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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

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Bottler's/Importer's Name and Address

- Name or trade name of bottler/importer as listed on permit
- Address (City, State) of bottler/importer as listed on permit
- “Bottled by” or “Distilled by” for domestic spirits
- “Imported by” or similar phrase for imported spirits
- May appear on any label

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Net Contents

- Metric standards of fill; authorized sizes per 27 CFR 5.47a
- May be on label or etched/blown into the container
- “ml” on containers of less than 1 liter; “L” and decimal portions on containers of 1 liter or more
- May appear on any label

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Health Warning Statement

- May appear on any label

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Health Warning Statement (Continued)

- 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

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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

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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

FD&C YELLOW #5

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

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 _____

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

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

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 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

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

Allergen Disclosures (Continued)

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

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

Organic Labeling (Continued)

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

Prohibited Practices

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

Prohibited Practices (Continued)

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

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

COLA (Continued)

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

Helpful Hints

- 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

Helpful Hints (Continued)

- Include copies of any formulas, pre-import letters, or lab analysis results that may pertain to the label
- Include supporting documentation for organic labels
- Documentation required for verification of how many times product is distilled (e.g., six times distilled)
- Never use the class and type in the brand or fanciful names on the application form

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 space provided, they may be reduced, but copies must be legible
- Provide translations for any foreign text on labels or in supporting documentation
- Ensure the current calendar year is shown for the serial number

Helpful Hints (Continued)

- 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

Resources

- www.ttb.gov
- Labeling:
 - 27 CFR part 5
 - Beverage Alcohol Manual (BAM)
 - USDA's National Organic Program

Contact Information

- **Advertising, Labeling and Formulation Division, Customer Service:**
 - **Phone:** 1-866-927-2533 or 202-453-2250
 - Option 2 – COLAs Online technical assistance
 - Option 3 – COLAs Online registration
 - Option 4 – Formulation, DS, and Malt Beverage
 - **E-mail:** alfd@ttb.gov