



TTB Regulatory Update: Labeling and Standards of Fill

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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.

Please consult the applicable laws and regulations for the most current requirements.

Sample documents (such as records, returns, and labels) are for illustrative purposes only and contain fictitious data.



Agenda

Rulemaking Updates

- Labeling Modernization
 - Phase 1 and Phase 2 Final Rules
- Other Labeling Rulemakings
- Standards of Fill Rulemakings



Labeling Modernization for Distilled Spirits

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Labeling Modernization Proposed Rule

In 2018, TTB proposed to modernize the labeling and advertising regulations for wine, distilled spirits, and malt beverages (27 CFR parts 4, 5, and 7). The purposes were to:

- Reorganize regulations
- Simplify and clarify regulatory standards
- Incorporate guidance documents and current policy
- Reduce regulatory burden on industry members where possible



Label Modernization

Phase 1 Final Rule

On April 2, 2020, TTB published a rule known informally as “Phase 1.” This rule finalized proposals that could be implemented quickly and provide industry members greater flexibility. These included, for distilled spirits:

1. Elimination of the “Brand Label”.

Mandatory information may appear anywhere on the label, as long as the brand name, class or type designation, and alcohol content appear in a single field of vision.

27 CFR 5.65



Label Modernization

Phase 1 Final Rule (cont.)

2. Increased alcohol content tolerance.

TTB increased the alcohol content tolerance for distilled spirits to +/- 0.3 percent.

3. Age statement changes.

Previously, age statements were prohibited on many types of distilled spirits. Now, age statements may appear on any distilled spirits except vodka (which may not be aged.) Additionally, age statements may account for the time spent in multiple barrels, which may be optionally separately stated on the label.



Label Modernization

Phase 1 Final Rule (cont.)

4. Updates to Standards of Identity

- Vodka no longer must be “without distinctive character, aroma, taste, or color.” Incorporated rulings allowing for trace amounts of citric acid and sugar.
- “Straight” for whisky is an optional designation.
- “Agave spirits” was added as a class that includes Tequila and Mezcal, as well as domestic agave spirits.



Label Modernization

Phase 2 Final Rule

On February 9, 2022, TTB published a second final rule (T.D. TTB-176) which revised the labeling and advertising regulations in part 5 for distilled spirits and part 7 for malt beverages. Its purposes are to:

- improve the clarity and usability of the regulations
- liberalize certain requirements, and
- assist industry members in submitting compliant label and formula applications



Label Modernization

Phase 2 Final Rule

Regarding distilled spirits specifically, the final rule:

1. Finalized a number of definitions, such as “container”, “distilled spirits”, “distinctive or fanciful name”, “American proof”, and “grain”.
2. Provides clarity on what constitutes a label and what constitutes advertising material on a bottle.
3. Provides specificity on name and address terms: “Blended by”, “Made by”, “Prepared by”, “Manufactured by”, and “Produced by” refer to processing operations.



Label Modernization

Phase 2 Final Rule (cont.)

4. Standards of Identity.

- Reorganized these so that each class appears in its own section.
- Clarified that a product may meet more than one standard of identity, but must only list one on the label.
- Created a class “Distilled Spirits Specialty Products”.
- Eliminated the concept of “recognized cocktails”.



Label Modernization Navigation Tables

TTB published derivation tables with the Phase 2 final rule. These show where each new section in the regulations came from ([87 FR 7526](#)).

27 CFR Part 7	
Requirements of new section:	Are derived from current section:
7.0	7.1.
Subpart A—General Provisions	
7.1	7.10.
7.2	7.2.
7.3	7.20(b) and (c).
7.4	7.20(a) and New.
7.5	7.11.
7.6	7.6.
7.7	New.
7.8	7.60.
7.9	[reserved].
7.10	7.4.
7.11	7.3.
7.12	7.5.
Subpart B—Certificates of Label Approval	
7.21	7.20(b), and 7.40-7.42.
7.22	7.40 and 7.41.
7.23	[reserved].
7.24	7.30 and 7.31(b).



Labeling Modernization for Malt Beverages

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Label Modernization

Phase 1 Final Rule

As previously discussed, on April 2, 2020, TTB published a rule known informally as “Phase 1.” Included in this rule, for malt beverages:

1. Alcohol by Weight.

Truthful, accurate, and specific statements of alcohol content other than alcohol by volume, such as alcohol by weight, may be included on labels together with and as part of a statement of alcohol by volume.

27 CFR 7.65



Label Modernization

Phase 1 Final Rule (cont.)

2. Use of the Terms “Draft” or “Draught”

Before, use of these terms required that the product be unpasteurized, or be dispensed through a tap or spigot (for containers of one gallon or more).

TTB determined that consumers would not be misled by use of the term on unpasteurized products, or on containers that did not have a tap.

These terms are now considered “puffery” that may be used without restriction.



Label Modernization

Phase 1 Final Rule (cont.)

3. Strength Claims Allowed

Generally, a strength claim refers to the alcohol content. Examples include “strong,” “full strength,” or “pre-war strength.”

TTB proposed to ease the restrictions on the use of strength claims. In response to comments, TTB decided to remove the prohibition on strength claims entirely.

Note: Some terms remain subject to conditions in the regulations. These include “low alcohol,” “reduced alcohol,” “non-alcoholic,” and “alcohol free.” See 27 CFR 7.65(d)–(f).



Label Modernization

Phase 1 Final Rule (cont.)

4. Brewery Products that are Not Malt Beverages Under the FAA Act

Some products meet the definition of “beer” under the IRC, but are not malt beverages under the FAA Act. It includes:

- A. Saké and similar products that fall within the definition of wine under the FAA Act and
- B. Beer not made with both malted barley and hops.

27 CFR 7.6



Label Modernization

Phase 1 Final Rule (cont.)

The following changes are “cross-cutting”, and apply to wine, malt beverages, and distilled spirits.

5. Added Definition of Certificate of Label Approval (COLA)

Authorizes labels identical to the label(s) appearing on the face of the COLA, or labels with changes authorized by TTB on the certificate or otherwise, such as via public guidance documents.

27 CFR 7.1, 7.22, and 7.25



Label Modernization

Phase 1 Final Rule (cont.)

6. Personalized Labels

Regulations now cover the approval process for personalizing labels (for example, with a personal message, picture, or other artwork) without submitting COLAs for every label.

A. Submit a template as part of the COLA application that is otherwise compliant with all labeling rules.

B. Describe the specific personalized information that may change from label to label.

C. Receive COLA approval (will include a qualification allowing the personalized information).

27 CFR 7.29



Label Modernization

Phase 2 Final Rule

Regarding malt beverages specifically, the final rule:

1. Removed the distinction between “bottling” malt beverages into containers of less than one gallon, and “packing” malt beverages into containers of one gallon or more (27 CFR 7.1).
2. Provided exceptions (for keg collars and tap covers) to the requirement that labels be firmly affixed to containers (27 CFR 7.51).



Label Modernization

Phase 2 Final Rule (cont.)

3. Clarified that descriptive terms about color or style (such as “amber,” “red,” “dry,” and “cream”) are permitted before class designations (27 CFR 7.142).
4. Eliminated requirement that certain mandatory information appear on a “brand label.” Such information may appear on any label.
5. Removed a prohibition on terms like “bonded” or “bottled in bond.” However, it is still prohibited to imply that government supervision or certification was provided when it was not (27 CFR 7.131).



Label Modernization

Phase 2 Final Rule (cont.)

The following changes are “cross-cutting” and apply to distilled spirits, malt beverages, and eventually will apply to wine.

6. Removed a prohibition on the use of country flags or any symbol related to the U.S. Armed Forces. These symbols are prohibited only when they create a misleading impression (such as endorsement or affiliation). (27 CFR 5.126 and 7.126)
7. Removed a prohibition on labeling features that resemble a stamp of the U.S. government or of any State or foreign government.



Label Modernization

Phase 2 Final Rule (cont.)

8. Clarified that money-back guarantees are permitted. (27 CFR 5.123 and 7.123)
9. Clarified that endorsements of products on labels by living persons or existing private or public organizations are permitted. (27 CFR 5.130 and 7.130)
10. Codified policy that formulas or samples may be requested from bottlers or importers during a COLA review.



Label Modernization

Phase 2 Final Rule (cont.)

11. Relabeling:

A. Malt beverages and distilled spirits may be relabeled before removal from bond (or after return to bond), or in the case of importers, before removal from customs custody, without seeking TTB approval (27 CFR 5.42 and 7.42).

B. Relabeling is allowed by a brewer or importer after removal from bond without seeking TTB approval (27 CFR 5.42 and 7.42).

C. Relabeling by *other* brewers or permittees may be done with written authorization from TTB (to replace damaged labels or bring labels into compliance with part 7 or State law) (27 CFR 5.43 and 7.43).



Label Modernization

Phase 2 Final Rule (cont.)

D. Labels that identify the wholesaler, retailer, or consumer of a malt beverages and distilled spirits may be added to containers without TTB approval (and without obtaining a new COLA) (27 CFR 5.44 and 7.44).

- Added labels must not otherwise violate the labeling rules,
- Reference the characteristics of the product, or
- Obscure any other label on the container



Other Rulemaking Initiatives

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Labeling Rulemakings

- Since June, 2021, TTB has finalized 15 American Viticultural Areas for wine.
- Proposal Regarding Labeling Wines Containing Added Distilled Spirits
– Comments Due August 12, 2022
- Proposed Addition of Singani to the Standards of Identity for Distilled Spirits
- Unified Agenda: Proposed Addition of American Single Malt Whiskey to the Standards of Identity for Distilled Spirits



Other Rulemaking Initiatives

- Tax Simplification
- Permit Modernization
 - Brewer's Notices NPRM, Comments Due August 8, 2022
- Craft Beverage Modernization Act
 - Finalization of provisions.
 - Import provisions to TTB.



Standards of Fill Rulemakings

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T.D. TTB-165

On December 29, 2020, TTB published a final rule adding seven new standards of fill for wine and distilled spirits.

- For wine:
 - 355 ml
 - 250 ml
 - 200 ml
- For distilled spirits:
 - 1.8 liters
 - 900 ml
 - 720 ml
 - 700 ml



Notice No. 210

- On May 25, 2022, TTB published Notice No. 210, which proposes to add 10 additional standards of fill for wine, and also considers, as an alternative, eliminating all but a minimum standard for wine containers and all but a minimum and maximum for distilled spirits containers.
- Comments must be received by July 25, 2022.
 - <https://www.regulations.gov/docket/TTB-2022-0004/document>



Questions on Standards of Fill

- Is there consideration for a resealable package requirement for certain sizes of spirits containers? For example, 37% ABV pre-mixed cocktails are presently in the marketplace in 750 ml bottles.



Resealability requirements (cont'd.)

(1) **Containers other than cans.** For containers other than cans described in paragraph (a)(2) of this section -

- (i) 1.8 Liters.
- (ii) 1.75 Liters.
- (iii) 1.00 Liter.
- (iv) 900 mL.
- (v) 750 mL.
- (vi) 720 mL.
- (vii) 700 mL.
- (viii) 375 mL.
- (ix) 200 mL.
- (x) 100 mL.
- (xi) 50 mL.

(2) **Metal cans.** For metal containers that have the general shape and design of a can, that have a closure that is an integral part of the container, and that cannot be readily reclosed after opening -

- (i) 355 mL.
- (ii) 200 mL.
- (iii) 100 mL.
- (iv) 50 mL.

27 CFR 5.203(a)

§ 19.523 Affixing closures.

Each bottle or other container of spirits having a capacity of one gallon (3.785 liters) or less must have a closure or other device securely affixed to the container prior to withdrawal from bond or customs custody. The closure or other device must be constructed in such a manner as to require breaking in order to gain access to the contents of the container.

See also 27 CFR 27.62 for imports



Questions on Standards of Fill (cont'd)

- May my distilled spirits plant sell kegs of cocktails to bars and restaurants for their on-premise use?

§ 206. Bulk sales and bottling

(a) Offenses

It shall be unlawful for any person—
(1) To sell or offer to sell, contract to sell, or otherwise dispose of distilled spirits in bulk except, under regulations of the Secretary of the Treasury, for export or to the following, or to import distilled spirits in bulk except, under such regulations, for sale to or for use by the following: A distiller, rectifier of distilled spirits, person operating a bonded warehouse qualified under the internal-revenue laws or a class 8 bonded warehouse qualified under the customs laws, a winemaker for the fortification of wines, a proprietor of an industrial alcohol plant, or an agency of the United States or any State or political subdivision thereof.

(b) Penalty

Any person who violates the requirements of this section shall, upon conviction thereof, be fined not more than \$5,000 or imprisoned for not more than one year or both, and shall forfeit to the United States all distilled spirits with respect to which the violation occurs and the containers thereof.

(c) "In bulk" defined

The term "in bulk" mean in containers having a capacity in excess of one wine gallon.

Federal Alcohol Administration Act, 27 U.S.C.



Contact Us

Labeling Questions?

Contact the Alcohol Labeling and Formulation Division at:

- Toll Free at 866-927-ALFD (2533), OR
- Use our [Alcohol Labeling and Formulation Division \(ALFD\) Contact Form](#)

Representatives are Available:

8 a.m. to 4:30 p.m. ET Monday - Friday (except on federal holidays)



Contact Us

Regulation or Public Guidance Questions?

Contact the Regulations and Rulings Division at:

- Toll Free at (202) 453-2265, OR
- Use our [Regulations and Rulings Division Contact Form](https://www.ttb.gov/contact-rrd)
(www.ttb.gov/contact-rrd)

Audience Questions?