

2009 TTB Expo Presentation

# Domestic Beverage Alcohol Formulation

Presented by  
Stephen Robey, Formulation Specialist



# Overview

- Advertising, Labeling and Formulation Division (ALFD)
- Basics of TTB Formulation
- Wine
- Distilled Spirits
- Malt Beverage
- Helpful Hints and Resources

# Advertising, Labeling and Formulation Division

# ALFD's Mission

- Collect the Revenue:
  - Ensure proper tax classification
- Protect the Public:
  - Verify safety of ingredients
  - Provide adequate consumer information
  - Prevent consumer deception

# Legal Authority

- Federal Alcohol Administration Act
- Alcohol Beverage Labeling Act of 1988
- Webb-Kenyon Act
- Internal Revenue Code — Chapter 51

# Laws and Regulations

27 CFR part 4	Labeling and advertising of wine
27 CFR part 5	Labeling and advertising of distilled spirits
27 CFR part 7	Labeling and advertising of malt beverages
27 CFR part 19	Distilled spirits plants
27 CFR part 24	Wine
27 CFR part 25	Beer

# ALFD Formulation Team

- Gracie Joy, Assistant Director:
  - Roberta Sanders, Program Manager
  - Shonda Geddie, Formula Specialist
  - Michael Warren, Formula Specialist
  - Stephen Robey, Formula Specialist

# The Basics of Formulation

# Forms

- Domestic wine — TTB F 5120.29
- Domestic distilled spirits — TTB F 5110.38
- Domestic malt beverage — Formula
- In the future, all formulas should be submitted on a single form, TTB F 5100.51

# Proposed TTB F 5100.51

FOR TTB USE ONLY		DEPARTMENT OF THE TREASURY ALCOHOL AND TOBACCO TAX AND TRADE BUREAU (TTB) FORMULA AND PROCESS FOR DOMESTIC AND IMPORTED ALCOHOL BEVERAGES <small>(See Instructions and Conditions on Reverse)</small>		FORMULA #
1. NAME AND ADDRESS OF APPLICANT / IMPORTER <small>(See Instructions)</small>		2. CONTACT PERSON'S PHONE NUMBER / EMAIL		<input type="checkbox"/> SUPERSEDING FORMULA <input type="checkbox"/>
1a. MAILING ADDRESS <small>(If different than above) / FOREIGN PRODUCER'S ADDRESS</small>		3. PLANT REGISTRY / BASIC PERMIT / BREWER'S NUMBER		
		4. CLASS AND TYPE OF PRODUCT		
		5. PRODUCT NAME		
6. QUANTITATIVE LIST OF INGREDIENTS <small>(If more space is needed, use reverse or separate sheet.)</small>		7. METHOD OF MANUFACTURE / PROCESS OF PRODUCTION <small>(If more space is needed, use reverse or separate sheet.)</small>		
8. TOTAL YIELD		9. ALCOHOL CONTENT OF FINISHED PRODUCT <small>(Specify, if not as shown.)</small>		
9a. AMOUNT OF ALCOHOL FROM FLAVORS		9b. AMOUNT OF ALCOHOL FROM BASE		
10. PRINTED NAME OF APPLICANT / IMPORTER	11. BY <small>(Signature and Title)</small>	12. DATE		
<b>FOR TTB USE ONLY (Items 13, 14, 15, and 16)</b>				
<b>13. FORMULATION</b>		<b>LABELING <small>(finished product only)</small></b>		
<b>WINE PRODUCTS</b>		<input type="checkbox"/> The designation of the product must include a truthful and adequate statement of composition such as:		
<input type="checkbox"/> Approved subject to the provisions of 27 CFR		_____		
<b>DISTILLED SPIRITS PRODUCTS:</b>		_____		
<input type="checkbox"/> Harmless coloring, flavoring or blending materials must not total more than 2.5% by volume of the finished product.		<input type="checkbox"/> commodity statement _____		
<input type="checkbox"/> Sugar, dextrose, or inulose or a combination thereof must be used in an amount not less than 2.5% by weight of the total of liquor.		<input type="checkbox"/> The label must indicate the use of		
<input type="checkbox"/> The use of refining agents must not alter the basic composition of the spirits.		<input type="checkbox"/> caramel color <input type="checkbox"/> certified color <small>(other than FD&amp;C Yellow #2)</small>		
<input type="checkbox"/> The blended whiskey must contain not less than 20% straight whiskey on a proof gallon basis.		<input type="checkbox"/> artificial flavor <input type="checkbox"/> FD&C Yellow #5		
		<input type="checkbox"/> allergen(s) _____		
		<input type="checkbox"/>		
14. DATE	15. APPROVED - TTB SPECIALIST FOR THE ADMINISTRATOR, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU	16. EXPIRES (IMPORT ONLY)		

TTB F 5100.51 (5/2005) (TTB FORMS 5110.3A, 5120.29 SUPERSEDED)

- One form for all
- Legal size paper
- <http://www.ttb.gov/forms/f510051.pdf>
- Currently voluntary, but will be mandatory

# TTB F 5100.51

OMB NO. 1513-0122 (05/31/2009)

**FOR TTB USE ONLY**

TTB ID

1. NAME AND ADDRESS OF APPLICANT / IMPORTER  
*(See Instructions):*

1a. MAILING ADDRESS *(If different than above)* / FOREIGN  
PRODUCER'S ADDRESS:

6. QUANTITATIVE LIST OF INGREDIENTS *(If more space is  
needed, use space at the top of the next page or separate sheet):*

**DEPARTMENT OF THE TREASURY**  
ALCOHOL AND TOBACCO TAX AND TRADE BUREAU (TTB)  
**FORMULA AND PROCESS FOR DOMESTIC  
AND IMPORTED ALCOHOL BEVERAGES**  
(See Instructions and Conditions at the end of this form)

FORMULA #:

SUPERSEDING  
FORMULA

2. CONTACT PERSON'S PHONE NUMBER / E-MAIL ADDRESS:

3. PLANT REGISTRY / BASIC PERMIT / BREWER'S NUMBER:

4. CLASS AND TYPE OF PRODUCT:

5. PRODUCT NAME:

7. METHOD OF MANUFACTURE / PROCESS OF PRODUCTION *(If more space is  
needed, use space at the top of the next page or separate sheet):*

# TTB F 5100.51 (Continued)

8. TOTAL YIELD:		9. ALCOHOL CONTENT OF FINISHED PRODUCT <i>(range may be shown)</i> :	
9a. AMOUNT OF ALCOHOL FROM FLAVORS:		9b. AMOUNT OF ALCOHOL FROM BASE:	
10. PRINTED NAME OF APPLICANT / IMPORTER:	11. BY <i>(Signature and Title)</i>		12. DATE:
<b>FOR TTB USE ONLY (Items 13, 14, 15, and 16)</b>			
<b>13. FORMULATION:</b> <b>WINE PRODUCTS</b> <input type="checkbox"/> Approved subject to the provisions of 27 CFR _____  <b>DISTILLED SPIRITS PRODUCTS</b> <input type="checkbox"/> Harmless coloring, flavoring, or blending materials must not total more than 2.5% by volume of the finished product. <input type="checkbox"/> Sugar, dextrose, or levulose or a combination thereof must be used in an amount not less than 2.5% by weight of the cordial or liqueur. <input type="checkbox"/> The use of refining agents must not alter the basic composition of the spirits. <input type="checkbox"/> The blended whiskey must contain not less than 20% straight whiskey on a proof gallon basis.		<b>LABELING <i>(finished product only)</i>:</b> <input type="checkbox"/> The designation of the product must include a truthful and adequate statement of composition, such as _____ _____ <input type="checkbox"/> Commodity statement _____ <input type="checkbox"/> The label must indicate the use of: <input type="checkbox"/> caramel color <input type="checkbox"/> certified color <i>(other than FD&amp;C Yellow #5)</i> <input type="checkbox"/> artificial flavor <input type="checkbox"/> FD&C Yellow #5 <input type="checkbox"/> allergen(s): _____ <input type="checkbox"/> _____	
14. DATE:	15. APPROVED – TTB SPECIALIST FOR THE ADMINISTRATOR, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU		16. EXPIRES (IMPORT ONLY):
<b>TTB F 5100.51 (09/2007) (TTB FORMS 5110.38, 5120.29 SUPERSEDED)</b>			

# Formulas Online

## Formula and Process for Domestic and Imported Alcohol Beverages

Main
Formula
Samples
Results
Company
Comments
Docs/Links
Workflow
Return
History

Print
Comment
Notify
Return for Correction
Upload
Cancel
Surrender
Reopen
Release
Hold
COLAs Access

<input checked="" type="checkbox"/> Expedite	<input checked="" type="checkbox"/> Superseding Formula	<input type="checkbox"/> Paper Submission
Submission ID: 12345678	Date Submitted: 05/01/2008	
Status: Pending Closed	Disposition: Approved	
TTB Formula ID: 98765432	Company Formula #: 8699	
Company ID: BWC-VA-98475	Company Name: World Wine	
<small>(Permit, Registry, or Brewers Number. Additional companies appear under the Companies tab)</small>		
Commodity: Wine	Product Source: Domestic	
Product Name: xxxxxxxx xxxxxxxxxxx xxxxxxxxxxxxxxxxxxx		

SUBMITTED	APPROVED
Class: xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
Type: xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
Type Description: xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

### Contacts

Applicant First Name: David	Middle Initial: I	Last Name: Freeman	Title: Vice-President
Telephone: 703-989-6145	E-mail Address: dfreeman@worldproduct		
<hr/>			
Contact First Name: Kim	Middle Initial:	Last Name: Keady	
Telephone: 202-999-9876	E-mail Address: kkeady9@wordproduct		
<hr/>			
Entered by: KKeady	Submitted by: KKeady		

# TTB Industry Circular 2007-4

- Domestic requirements:
  - Laboratory analysis
  - Formula only
  - Label only

# Formula Approval Tool

The screenshot shows a web browser window with the URL [http://www.ttb.gov/tutorials/jc2007-4\\_help.shtml](http://www.ttb.gov/tutorials/jc2007-4_help.shtml). The page header features the TTB.gov logo, the text "ALCOHOL AND TOBACCO TAX AND TRADE BUREAU U.S. Department of the Treasury", and a search bar. A navigation menu includes links for Accessibility, Privacy Notice, Contact Us, Site Map, A-Z Index, and Search Help. Below the menu are buttons for HOME, BEER, WINE, DISTILLED SPIRITS, OTHER ALCOHOL, TOBACCO, and FIREARMS & AMMUNITION. The main content area is titled "FORMULATION" and contains the following text:

## How Do I Obtain Formula Approval?

For many alcohol beverage products, TTB must evaluate the product and approve its formula before issuing a Certificate of Label Approval (COLA) to determine whether a proposed label identifies the product in an adequate and non-misleading way. We refer to this requirement as a [Pre-COLA Product Evaluation](#).

There are four types of pre-COLA product evaluation. The type of pre-COLA product evaluation required for a particular product depends on that product's formulation and origin.

TTB regulations require formulas most commonly when [flavoring](#) or [coloring materials](#) are added to an alcohol beverage product. Since TTB does not have access to foreign plants, some imported products are subject to laboratory analysis or pre-import formula approval. For further information, visit the [Formulation](#) page.

## Do I Need Formula Approval for My Product?

To determine if your product requires formula approval and/or laboratory analysis, please use the drop down menus to first select your industry, and then the alcohol beverage product for which you are seeking label approval. Please identify whether the product is domestic or imported, and then click on SHOW ME.

The left sidebar contains a list of navigation links: About TTB, Advertising, Careers, EEO, FAQs, FOIA, Forms, Formulation, Importers, International Trade, Labeling, Laboratory, National Revenue Center, Student Research, Trade Practices, Tutorials and Job Aids, Wholesalers, and Language Links.

# What We Look For

- Colors:
  - Certified, non-certified, prohibited
- Flavors and Flavor Ingredient Data (FID) sheets
- GRAS ingredients
- Restricted and Prohibited Ingredients

# Certified Colors

FD&C Blue #1	(Brilliant Blue FGF)	(E 133)
FD&C Blue #2	(Indigotine)	(E 132)
FD&C Green #3	(Fast Green FCF)	(E 143)
FD&C Red #40	(Allura Red AC)	(E 129)
FD&C Red #3	(Erythosine lake only)	(E 127)
FD&C Yellow #5*	(Tartrazine)	(E 102)
FD&C Yellow #6	(Sunset Yellow FCF)	(E 110)

\*Requires specific declaration on labels for finished alcohol beverages.

# Non-Certified Colors

- Annatto Extract
- Astaxanthin
- Dehydrated beets (beet powder)
- Dried algae meal
- Canthaxanthin
- Caramel
- Carmine (Cochineal Extract)
- Carrot oil
- Corn endosperm oil
- $\beta$ -Apo-8'-carotenal
- $\beta$ -Carotene
- Elderberry Extract\*
- Ferrous gluconate
- Ferrous lactate
- Fruit Juice
- Grape color extract
- Grapeskin Extract (Enocianina)
- Haematococcus algae meal
- Paprika

# Non-Certified Colors (Continued)

- Paprika oleoresin
- Phaffia yeast
- Riboflavin
- Saffron\*
- Sodium copper chlorophyllin
- Synthetic iron oxide
- Tagetes (Aztec marigold) meal and extract
- Titanium Dioxide
- Toasted partially defatted cooked cottonseed flour
- Tomato lycopene extract; tomato lycopene concentrate
- Turmeric\*
- Turmeric oleoresin
- Ultramarine blue
- Vegetable Juice

# Flavors

- Are classified as:
  - All natural
  - Natural and artificial containing not more than 0.1% artificial content in topnote
  - Natural and artificial containing greater than 0.1% artificial content in topnote
  - All artificial
  - Non-flavor: product is not flavor (e.g., Cloud Emulsion)
- Submit to our lab first
- May contain colors

# Flavors (Continued)

- Provided by flavor manufacturer
- Classification
- Limited Ingredients
- Colors

**FLAVOR INGREDIENT DATA SHEET**

**Flavor Producer Information**

(A) ATF Co. Code: \_\_\_\_\_ (B) Date: \_\_\_\_\_  
 (C) Company Name: \_\_\_\_\_ (D) Phone: \_\_\_\_\_  
 (E) ADDRESS: \_\_\_\_\_ (F) Fax: \_\_\_\_\_  
 (G) Contact Person: \_\_\_\_\_

(H) Flavor Name: \_\_\_\_\_  
 (J) ATF Number (Form 1678): \_\_\_\_\_  
 (K) Alcohol Range by Volume: \_\_\_\_\_  
 (L) Flavor Product number: \_\_\_\_\_

**(M) Check Appropriate Box:**

Approved for Drawback (DRB)   
 Approved as No Action (N/A)   
 Approved for Export Only (Exp)   
 Submitted for ATF Approval   
 Not Yet Submitted for ATF Approval

**(N) Classification**

Natural  N&A=<0.1% Topnote  N&A>0.1% Topnote  Art  Non-Flavor

Total Artificial Flavor Content: \_\_\_\_\_ ppm (Excluding Synthetic Vanillin, Ethyl Vanillin, Synthetic Maltol and Ethyl Maltol)

**(O) Flavor Components**

Additive	ATF Limitation in finished Product	Amount of additive or Agent present in flavor	Beverage label information based on functionality (Check or list label ingredients that affect the beverage label)
1. Synthetic Vanillin	40.0 ppm	_____ ppm	1. FD&C Yellow # 5 <input type="checkbox"/>
2. Ethyl Vanillin	16.0 ppm	_____ ppm	2. FD&C Yellow # 6 <input type="checkbox"/>
3. Synthetic Maltol	250.0 ppm	_____ ppm	3. FD&C Blue # 1 <input type="checkbox"/>
4. Ethyl Maltol	100.0 ppm	_____ ppm	4. FD&C Blue # 2 <input type="checkbox"/>
5. Ester Gum	100.0 ppm	_____ ppm	5. FD&C Green # 3 <input type="checkbox"/>
6. BVO	15.0 ppm	_____ ppm	6. FD&C Red # 40 <input type="checkbox"/>
7. Sodium Benzoate	1000.0 ppm	_____ ppm	7. Grapeskin Extract <input type="checkbox"/>
8. Gum Arabic /Acacia	10000.0 ppm	_____ ppm	8. Caramel Color <input type="checkbox"/>
9. Propylene Glycol	50000.0 ppm	_____ ppm	9. Annatto <input type="checkbox"/>
10. BHA	(<0.5% of Essential Oil)	<input type="checkbox"/> check if contained	10. Elderberry Extract <input type="checkbox"/>
11. Acetic Acid	1500.0 ppm	_____ ppm	11. Beet Extract <input type="checkbox"/>
12. _____	_____ ppm	_____ ppm	12. Oak Extract <input type="checkbox"/>
13. _____	_____ ppm	_____ ppm	13. _____ <input type="checkbox"/>
14. _____	_____ ppm	_____ ppm	14. _____ <input type="checkbox"/>

**(P) Confidential Limited Ingredients Not Shown (CLI)**

Check if contained in formula  Check if CLI was previously submitted

Beverage Manufacturer / Importer: \_\_\_\_\_ Formula # / Serial Number: \_\_\_\_\_

Flavor Company Rep Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date: 04/13/06

**(Q) Beverage Alcohol Manufacturer/Importer**

Beverage Manufacturer / Importer: \_\_\_\_\_ Formula # / Serial Number: \_\_\_\_\_

Flavor approved on: \_\_\_\_\_ Notified by: \_\_\_\_\_ As: \_\_\_\_\_

Drawback   
 No Action   
 Export Only

**SIGNATURE OF ALCOHOL BEVERAGE REPRESENTATIVE:** \_\_\_\_\_

6/1/98

# GRAS and Restricted Ingredients

- GRAS – Generally Recognized as Safe
- U.S. Food and Drug Administration
- Restricted ingredients

# Wine Formulation

# Class and Type Designations

- Agricultural Wine:
  - Sake
  - Honey Wine
  - Other Agricultural Wine
  - Dried Fruit Wine
- Aperitif Wine
- Fruit Wine
- Carbonated and Sparkling wines
- Other Than Standard (OTS) wine

# Agricultural Wine – Major Types

- Honey Wine/Mead
- Sake/Rice Wine
- Rhubarb Wine
- Flower Wine
- Agave Wine
- Raisin Wine
- Other Agricultural Wine

# Agricultural Wine

- Approved per 27 CFR 24.200
- Grain, cereal, malt, or molasses are not allowed
- May not be flavored or colored

# Honey Wine/Mead

- Produced from fermented honey
- Honey-water mixture not less than 13 degrees Brix
- Up to 1 pound of hops per 1,000 pounds of honey
- Final ABV not to exceed 14%
- Final Brix content not more than 35 degrees Brix
- Sugar or honey may be added to sweeten

# Sake/Rice Wine

- Produced from rice at a brewery
- Sake is taxed as malt beverage
- Labeled as a wine

27 CFR 4.21(f)(5)

# Dried Fruit Wine

- May reduce to 22 degrees Brix
- Fixed acid level minimum 5 grams/liter
- Volume of the ameliorating material may not exceed 35% of the wine
- Example: Raisin Wine

27 CFR 24.24.202

# Other Agricultural Wine

- Weight of sugar less than wine material
- Final alcohol content is not more than 14% alcohol by volume
- Final total solids content is not more than 35 degrees Brix
- Minimum Brix prior to fermentation is 22 degrees
- Example: Dandelion Wine, Rhubarb Wine

# Aperitif Wine

- Wine having alcohol content of not less than 15%
- Produced from grape wine, containing added brandy
- Flavored with herbs and other natural aromatic flavor materials
- With or without caramel color
- Vermouth is a type of aperitif wine
- Aperitif wine is sufficient as a class and type designation

27 CFR 4.21(g)

# Special Natural Wines

- Flavors must be all natural:
  - Herbs, spices, fruit juices, natural aromatics, and natural essences may be added
- May contain caramel color, but may not contain certified color
- Requires formula approval with statement of composition

27 CFR 24.195

# Fruit Wine

- Wine produced by:
  - Normal alcoholic fermentation of juice of sound, ripe fruit (other than grapes or citrus)
  - With or without added fruit brandy or alcohol
- “Fruit wine” is not a sufficient class and type designation
  - e.g., Apple Wine, Strawberry Wine, Peach Wine
- Fruit wine not derived wholly from one kind of fruit or berry may be designated as fruit wine or berry wine qualified by truthful and adequate statement of composition

27 CFR 4.21(e)

# Sparkling and Carbonated Wine

- Sparkling wine occurs from secondary fermentation in closed container
- Carbonated wine is result of other than secondary fermentation in closed container
- Carbonated wine has at least 0.392 grams of CO<sup>2</sup> per 100 mL
- May not be more than 14% alcohol by volume

# Other Than Standard Wine

- Formula is required
- Made in various ways:
  - By blending different types of finished fruit wine; e.g., grape wine and peach wine
  - Flavors, fruits, extracts, juices, concentrates, spices, essences, or coloring materials are added to wine

27 CFR 24.218

# Fortification of Domestic Wine

- Domestic wines may only be fortified with fruit spirits produced in the U.S.
  - e.g., grape brandy, citrus brandy, apple brandy
- Wine must be fortified in same State where it was produced
- If wine and fruit spirit are not “kind to kind,” then spirit is required in statement of composition
  - e.g., peach wine with grape brandy added

27 CFR 24.233

# Statement of Composition

- Special natural wine
- Other than standard wine
- Truthful and adequate
- TTB provides a suggested statement of composition

## Statement of Composition (Continued)

- Example — grape wine with natural flavors:
  - Grape wine with raspberry and other natural flavors
  - Grape wine with raspberry flavor and strawberry flavor

## Statement of Composition (Continued)

- Example — sparkling apple wine with natural and artificial flavors:
  - Sparkling apple wine with natural raspberry and artificial strawberry flavors
  - Sparkling apple wine with raspberry flavor and artificial strawberry flavor

## Statement of Composition (Continued)

- Example — wine made from blending two wines:
  - 75% apple wine, 25% grape wine
  - Apple-grape wine

## Statement of Composition (Continued)

- Example — wine made from blending before fermentation:
  - Wine made from 70% apple, 30% honey
  - 70% apple, 30% honey wine
  - Apple-honey wine

# Distilled Spirits Formulation

# Class and Type Designations

- Vodka
- Whiskey
- Gin
- Brandy
- Rum
- Liqueur
- Flavored ...
  - Brandy
  - Rum
  - Gin
  - Vodka
  - Whiskey
- Recognized cocktails
- Imitation products
- Distilled spirits specialty

# Vodka

- 27 CFR 5.22(a):
  - Neutral spirits without distinctive character, aroma, taste, or color
  - Distilled at or above 95% ABV or 190 proof
  - Bottled at or above 40% ABV or 80 proof
  - Citric acid – max 0.1% by volume
  - Sugar – max 0.2% by volume
  - Formula approval required only if there is blending material

# Whiskey

- 27 CFR 5.22(b):
  - Spirits distilled from fermented mash of grain
  - Distilled at less than 95% ABV, or 190 proof and bottled at not less than 40% ABV, or 80 proof
  - Formula approval required only if there is blending material
  - Storage in certain types of containers requires storage proof:
    - e.g., charred or uncharred oak
    - New or used containers
  - Storage proof is required

# Gin

- 27 CFR 5.22(c):
  - Distilled gin – Mash is distilled with Juniper berries
  - Redistilled gin – Spirits are distilled with Juniper berries
  - Compound gin – Spirits are blended with Juniper berry flavor

# Brandy

- 27 CFR 5.22(d):
  - Distilled from fermented juice, mash, or wine of fruit or from its residue
  - Distilled at less than 95% ABV, or 190 proof
  - Bottled at or above 40% ABV, or 80 proof
  - Having general taste, aroma, and characteristics generally attributed to brandy
  - Formula approval required only if there is blending material.
  - Different Types
    - Immature Brandy
    - Grappa
    - Fruit Brandy
    - Pomace Brandy
    - Neutral Brandy

# Rum

- 27 CFR 5.22(f):
  - Distilled from fermented juice of sugar cane, sugar cane syrup, sugar cane molasses, or other sugar cane by-products
  - Distilled at less than 95% ABV, or 190 proof
  - Bottled at or above 40% ABV, or 80 proof
  - Having taste, aroma, and characteristics generally attributed to rum
  - Formula required only if harmless coloring, flavoring, or blending materials (HCFBM) are added:
    - Cannot exceed 2.5% of final product
    - Does not need to be stated on label

# Liqueur/Cordial

- 27 CFR 5.22(h):
  - Contains spirits
  - Contains natural flavor
  - Contains not less than 2.5% sugar by weight
  - Up to 49% wine on a proof gallon basis

# Flavored Brandy, Rum, Gin, Vodka, Whiskey

- 27 CFR 5.22(i):
  - Bottled at or above 60 proof
  - Predominant flavor is part of class and type designation; e.g., “Apricot Flavored Brandy”
  - Up to 2.5% by volume wine
  - Flavored brandy:
    - Up to 15% by volume wine, if it is same fruit as predominant flavor

# Recognized Cocktails

- Mixed drinks that have gained “trade” and “consumer” recognition
- Contain one or more classes and/or type of distilled spirits with flavoring and/or coloring materials
- Requires statement of composition on label:
  - May only need to state spirit and any coloring materials
  - Example: Margarita made with tequila, triple sec liqueur, and FD&C Yellow #5
- Examples: Margarita, Bloody Mary, Egg Nog

# Imitation Products

- 27 CFR 5.22(j):
  - Artificial flavors
  - Simulates another class and type
  - Brandy made from other than standard wine
  - Brandy with sugar added to distilling material
  - Brandy or rum with other spirits added

# Distilled Spirits Specialty

- 27 CFR 5.35:
  - Distilled spirits not defined under any other class
  - Generally, any class and/or type of distilled spirits that contains or are treated with flavoring and/or coloring materials and/or nonstandard blending or treating materials or processes

## Distilled Spirits Specialty (Continued)

- Domestic: formula required
- Requires truthful and adequate statement of composition;
- Also requires a fanciful name
  - e.g., “Fanciful name, SOC = Spiced Delight, Rum with Spice Flavor”

## TTB Industry Circular 2007-5

- Laboratory analysis required if an ingredient might contain thujone:
  - e.g., *Artemesia absinthium*, *Artemesia vulgaris*
- Must have 10 ppm or less of thujone in the final product
- The word “Absinthe” may not be used alone on the label

# Statement of Composition

- Example: rum with natural flavor and artificial colors:
  - Rum with natural spice flavor, certified color, and caramel color
  - Rum with spice flavor, FD&C Blue #1, and caramel color

## Statement of Composition (Continued)

- Example: vodka with natural and artificial flavors and FD&C Yellow #5
  - Vodka with natural chocolate flavor, artificial cherry flavor, and FD&C Yellow #5
  - Vodka with chocolate flavor, artificial cherry flavor, and FD&C Yellow #5

# Malt Beverage Formulation

# Overview

- Formula submission and TTB F 5100.51
- Flavored malt beverages
- Treasury Decision 21
- TTB Ruling 2008-3
- Other products

# Class and Type Designations (Continued)

- Malt beverage specialty:
  - Flavored malt beverages
- Ice Beer
- Alcohol-free malt beverages
- Non-alcoholic malt beverages

# Malt Beverage Specialty

- In general, any product that has:
  - Flavors, colors, spices, fruit, or honey added
  - Anything outside standard brewing ingredients of barley (or adjunct such as rice, corn, or wheat), hops, water, and yeast
- Any fermented product that will be treated by any processing, filtration, or other method not generally recognized as traditional process

# Flavored Malt Beverages

- Any malt beverage product that has flavor added
- Flavors can be alcoholic or non-alcoholic
- Requires fanciful name and statement of composition:
  - Description of what is in product (e.g., malt beverage with natural flavors added)

# Treasury Decision 21

- Effective January 2006:
  - If final ABV is less than 6%, at least 51% of alcohol in final product must come from malt base, up to 49% of alcohol in final product can come from flavor
  - If final ABV is greater than 6%, no more than 1.5% of volume of malt beverage can consist of alcohol from flavors
  - If there is ANY alcohol in added flavors, alcohol content must be listed on label unless otherwise directed by State or local law

# TTB Ruling 2008-3

- In ATF Compliance Matters 94-1, at least 25% malted barley
- At least 7½ hops per 100 barrels
- Now, as long as hops and malted barley are added, it is classified as a malt beverage

# Statement of Composition

- Malt beverage with artificial colors and aged in oak barrels:
  - Ale with caramel color and certified color and aged in oak barrels
  - Ale with artificial color and FD&C Red #40 and aged in bourbon oak barrels

## Statement of Composition (Continued)

- Malt beverage with artificial color added:
  - Malt beverage colored with cochineal extract
  - Ale colored with cochineal extract
  - Porter colored with cochineal extract

# Ice Beer

- Not more than 0.5% of beer can be removed as ice crystals
- ATF Ruling 94-3

# Alcohol-Free Malt Beverages

- Must contain 0.0% alcohol by volume
- Alcohol must be produced through fermentation
- Alcohol is removed after fermentation
- Laboratory analysis required

# Non-Alcoholic Malt Beverages

- Contains less than 0.5% alcohol by volume
- Alcohol must come from fermentation

# Helpful Hints and Resources

# Helpful Hints

- Quantitative list of ingredients
- Supply complete method of manufacture
- Proof at distillation
- Provide name, address, and TTB number for all flavors
- Provide botanical name for herbs and plant extracts
- Be sure all documents are legible and in English
- Turnaround time: approximately 30 days

# Resources

- [www.ttb.gov](http://www.ttb.gov)
- TTB Industry Circular 2007-4
- TTB Industry Circular 2007-5
- Formula Approval Tool
- [www.fda.gov](http://www.fda.gov)

# ALFD Contact Information

- **Phone:**

Customer Service Desk (202) 453-2250  
or Toll Free (866) 927-ALFD (2533)

- **Email:** [alfd@ttb.gov](mailto:alfd@ttb.gov)

- **Mail:**

Advertising, Labeling and Formulation Division  
1310 G Street, NW, 4th Floor  
Washington, DC 20220