

Wine FAQ #14:

May I Use a Winemaking Kit for Commercial Wine Production?

Does TTB regulate the production of home winemaking kits?

No, we do not. Winemaking kits typically contain concentrate, yeast, juice, acids, sulfites and wood chips, and provide sufficient materials to produce about 30 bottles of wine. Since the kits contain unfermented raw materials, they do not come under our jurisdiction. When the kits are used to produce tax-exempt wine for personal or family use, we do not regulate the labeling of wine made from the kits.

Does TTB endorse or certify the contents of winemaking kits?

No, TTB does not endorse or certify the contents of any winemaking kits. The users of winemaking kits are fully responsible for obtaining the necessary information about the content of the kits to support any statements made on the label.

What rules apply if I use a winemaking kit to produce wine for sale?

TTB regulates the commercial production of wine under the Internal Revenue Code of 1986 (IRC) and the Federal Alcohol Administration (FAA) Act laws and regulations. These laws and regulations require that wine producers qualify their premises as a bonded wine cellar, obtain an FAA Act basic permit as a producer of wine, pay the applicable excise tax on wine between one-half of 1 percent to 24 percent of alcohol by volume, and receive a Certificate of Label Approval (COLA) for all wine that is bottled.

The IRC and FAA Act requirements apply to those who are engaged in the business of winemaking who intend to sell the wine or distribute it for commercial purposes, and apply equally to companies using kits and traditional winemaking materials. Information provided on the labels of all wine made for commercial purposes must be truthful and must adequately inform the consumer about the identity and quality of the product.

How should I label wine made with a kit?

If you are selling the wine, you must comply with TTB's wine labeling regulations in 27 CFR Part 4 and the Health Warning Statement regulations found in 27 CFR Part 16, as well as any applicable State regulations.

In addition to the mandatory label statements required by Part 4, TTB must be able to verify any optional statements used on wine labels. Examples of optional label claims include the varietal content (type of grape or grapes used), the appellation of origin (the geographic origin of the winemaking materials), and the vintage date (year of harvest). Winemakers using kits who wish to show any

optional claims on the label must obtain appropriate records from the kit's producer to verify the contents, the origin of the winemaking materials, the vintage date, etc.

When winemakers make optional claims on wine, additional regulatory requirements in 27 CFR Part 4 are triggered, beyond the requirement to document the claims. For example, if 75 percent of the grapes used in a wine are from a particular State, the wine must be fully finished in that State or an adjacent State in order to be entitled to use the name of the State as an appellation of origin (27 CFR 4.25). If you buy a kit with 75 percent Washington State concentrate, but produce wine from the kit in Indiana, the wine is not entitled to a Washington State appellation of origin. With proper documentation, you could use "American" as the appellation of origin. Wine with an "American" appellation is not entitled to show a vintage date. Under 27 CFR 4.27, vintage dated wine must have an appellation of origin smaller than a country, and the records must show that 85 percent of the wine is derived from grapes harvested within the given year (95 percent for viticultural areas).

How should I label the wine if I cannot obtain information about the origin of the concentrate or if the wine does not meet the requirements for optional claims?

If information about the origin of the concentrate cannot be verified, the product may be labeled as "grape wine" or with a color descriptor, such as "red wine" or "white wine." If the wine has an alcohol content that is not over 14 percent alcohol by volume, it may also be designated as "table wine."

Vintage dates, varietal names and appellations may not be shown on the label, unless they can be verified and the wine meets the other requirements in 27 CFR Part 4 for use of the claim.

If I am selling the wine, may I use the wine treating materials that are often provided in winemaking kits?

You may, if the wine treating materials included in kits are listed as authorized for use and used as shown in the TTB regulations at 27 CFR § 24.246.

For the most current information visit www.ttb.gov.

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