What to Do When You Have Unusual Products

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TTB Disclaimer

Notice:

• 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 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 regulations for the most current regulatory requirements
TTB and Innovative Products

- Is it an alcohol beverage?
- Is it a malt beverage, wine, or distilled spirit?
Does it Fit Into the Standards of Identity?
TTB Does Not Define Any of These Products

- Hard seltzer
- Hard coffee/hard tea
- Canned cocktails
- Ready to drink (RTD) beverages
TTB Considerations

• Permits
• Formulas
• Labeling
• COLAs
• Container sizes
Permits

- Obtain the appropriate permit or authorization
  - Winery
  - Brewery
  - Distilled Spirits Plant
- Apply through Permits Online
- Alternating premises
  - The premises is used by the same owner/same EIN to conduct more than one TTB-regulated business, such as a brewery and distilled spirits plant
Formulas

• Generally required when you are adding coloring or flavoring materials
  ◦ Adding carbonation to any distilled spirit requires formula approval
• Obtain before you make the product
• Use this tool: Which Alcohol Beverages Require Formula Approval?
• Apply using Formulas Online
Label Requirements

• TTB regulations outline:
  ◦ What must be on the label
  ◦ What may be on the label if you follow certain rules
  ◦ What may not be on the label

• Products that don’t fit into the standards of identity must be labeled with a truthful and adequate statement of composition
Certificates of Label Approval

• Generally, if the product will travel in interstate commerce, the bottler must get a COLA
• Obtain before bottling/canning product
• Apply using COLAs Online
• There are many changes you may make to previously approved labels without getting a new COLA
Container Sizes

• Wine and distilled spirits may only be sold in the standards of fill (essentially the container sizes) listed in the regulations

• We may authorize an aggregate standard of fill based on the circumstances
Food Safety Issues

• U.S. Food and Drug Administration
  ◦ Generally Recognized as Safe (GRAS)
• Limited Ingredients
• Intended Use
• Packaging
In Conclusion...

Contact TTB early if you are unsure of the classification of your product

• Alcohol Labeling and Formulation Division
  ◦ 866-927-2533

• Regulations and Rulings Division
  ◦ 202-453-2265

• Scientific Services Division
  ◦ 240-264-1665
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