



Labeling of Ciders Under TTB Jurisdiction



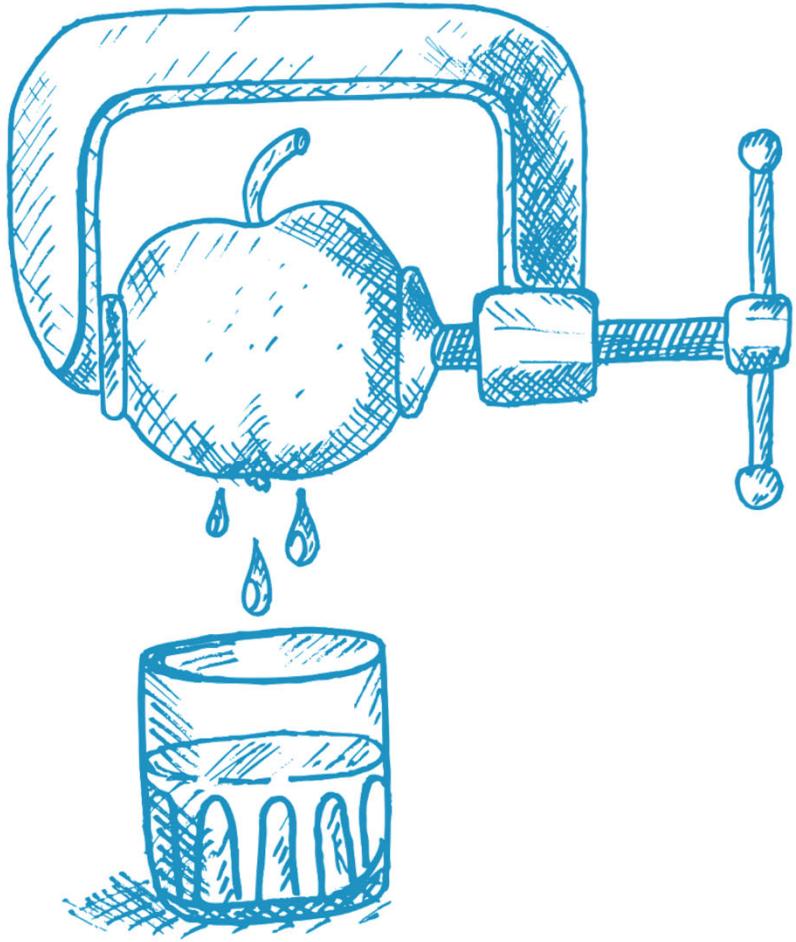
TTB Disclaimer

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



Agenda: You'll learn which labeling rules to follow and how to create compliant labels

- 1 Determining which labeling rules apply to your product
- 2 Information that is required to be on the label
- 3 Information you may choose to include on the label
- 4 Certificate of Label Approval (COLA) requirements



Which TTB
Labeling Rules
apply?



Which Labeling Requirements Apply?

Labeling requirements for cider and perry products are determined first by:

- Alcohol content
- If it will be introduced in interstate commerce

And secondarily by such things as:

- Origin and level of effervescence
- Fruits used
- Addition of flavors, spices, colors, etc.
- Domestic or imported



Why is Alcohol Content a Factor?

- Recall that the Federal Alcohol Administration Act only applies to wine that contains **7% or more** alc. by vol.
- Therefore, FAA Act rules (including COLAs, labeling, standards of fill, prohibited practices, etc.) in [27 CFR part 4](#) do not apply to cider/perry products with **under 7%** alc. by vol.



Why is Alcohol Content a Factor?

The labeling of cider/perry products with **under 7%** alc. by vol. is regulated by TTB under the Internal Revenue Code*

[27 CFR part 24](#) (domestic)

[27 CFR part 27](#) (imports)

*IRC/part 24 wine labeling provisions apply to all wine with 0.5-24% alc. by vol.



Why is Alcohol Content a Factor?

Cider/perry products with **under 7% alc. by vol. are also** subject to FDA food labeling regulations under the Federal Food, Drug, and Cosmetic Act

[21 CFR part 101](#)



Why is Alcohol Content a Factor?

The labeling of cider/perry products with **at least 0.5%** alc. by vol. is also regulated by TTB under the Alcoholic Beverage Labeling Act (Government Health Warning Statement)

[27 CFR part 16](#)



Why Does Interstate Commerce Matter?

The labeling rules (mandatory information, COLAs, and prohibited practices) under the FAA Act ([27 CFR part 4](#)) apply to cider/perry products (**7% or more** alc. by vol.) that:

- are sold or otherwise introduced into interstate/foreign commerce (for example, sold across state lines or imported from another country)



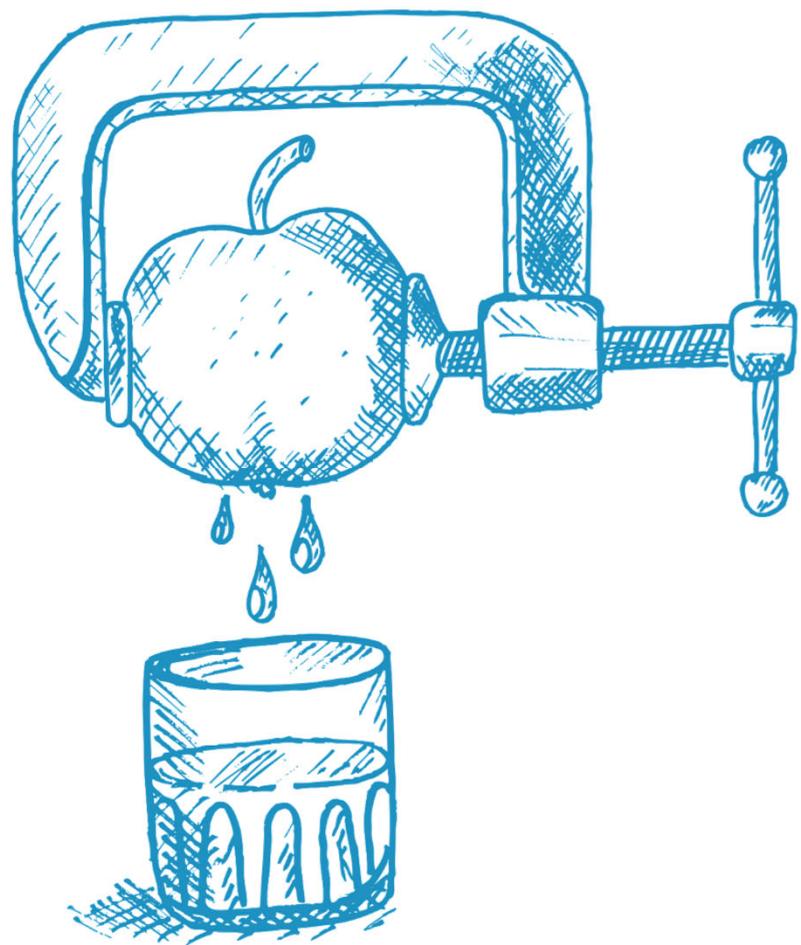
Why Does Interstate Commerce Matter?

- Cider/perry products with **7% or more** alc. by vol. that **are** sold in interstate commerce must be covered by a Certificate of Label Approval (COLA)
- Cider/perry products with **7% or more** alc. by vol. that **are not** sold in interstate commerce are covered by a Certificate of Exemption from Label Approval



Which Labeling Laws and Regulations Apply?

		1		
		If the alcohol content by volume is:		
		0.5 to < 7%	7 to 24%	
		Interstate commerce?		
			Yes	No
3 Then the following wine labeling laws and regulations apply:				
Law	Regulations			
Alcoholic Beverage Labeling Act of 1988 (ABLA)	27 CFR part 16 - Alcoholic Beverage Health Warning Statement	X	X	X
Internal Revenue Code (IRC)	27 CFR part 24 - Wine 27 CFR part 27 - Importation of Distilled Spirits, Wines, and Beer	X	X	X
Federal Alcohol Administration (FAA) Act	27 CFR part 4 - Labeling and Advertising of Wine		X	
Federal Food, Drug, and Cosmetic Act (FD&C Act)	21 CFR part 101 – Food Labeling	X		



Mandatory Label Information



Type Size Requirements

Applies to all mandatory label information

(except alcohol content and government health warning statement)

If the container size is:	Then the MINIMUM type size is:
187 milliliters or less	1 millimeter
More than 187 milliliters	2 millimeters

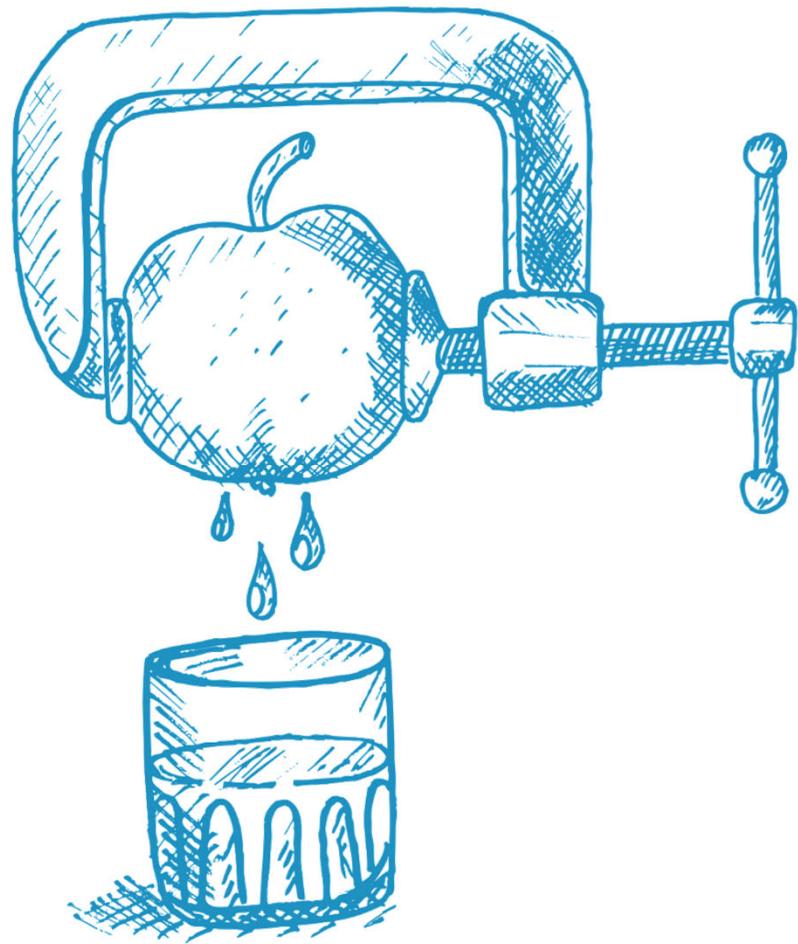
27 CFR 4.38(b) and 27 CFR 24.257(a)



Type Size Requirements Alcohol Content

If the container size is:	Then the MINIMUM type size is:
5 liters or less	1 millimeter
More than 5 liters	N/A

If the container size is:	Then the MAXIMUM type size is:
5 liters or less	3 millimeters
More than 5 liters	N/A



Mandatory Label Information: 7% or more

The following slides cover the labeling requirements for cider/perry products that are 7% or more alc. by vol. and sold in interstate commerce (i.e., covered by a COLA)



Mandatory Label Information

7% or More

The labeling rules for cider/perry products that are 7% or more alc. by vol. and sold interstate (covered by a COLA) are more robust:

- more direction about how and where mandatory info must appear
- standards of identity, i.e., labeling designations
- parameters for using many optional labeling claims, e.g., appellations of origin
- prohibited labeling practices intended to prevent consumer deception

[27 CFR part 4](#)



Mandatory Label Information

7% or More

The following statements must appear:

- Brand name
- Class, type or other designation
- Name and address of the bottler
- Net contents
- Alcohol content
- Government Health Warning

[27 CFR 4.32](#)
[27 CFR part 16](#)



Mandatory Label Information

7% or More

Brand Name

- The name under which the product is sold; usually the most prominent piece of information on the label
- Must appear on the brand label*
- If there is no brand name, the name of the bottler/importer as shown on the brand label is considered the brand name
- May not create a misleading impression

[27 CFR 4.32\(a\)\(1\)](#), [27 CFR 4.33](#)

*Brand label = label on which brand name and class/type appears



Mandatory Label Information

7% or More

Name and Address of the Bottler

- May appear on any label
- Name or trade name of the bottler/importer as listed on the TTB permit
- Address (city and state) of the bottler/importer as listed on the permit
- Must be preceded by the words “Bottled/Packed by” or “Imported by”
- May optionally add “Produced” or “Made”, “Blended”, etc. to statement (see part 4 for rules)

[27 CFR 4.32\(b\)\(1\)](#) and [27 CFR 4.35](#)



Mandatory Label Information

7% or More

Net Contents

- May appear on any label; or
- May be etched/blown into the container
- Must use the authorized metric standards of fill ([27 CFR 4.72](#))
- May use the following abbreviations:
 - milliliters – ml, ML, mL
 - Liters - L

[27 CFR 4.32\(b\)\(2\)](#), [27 CFR 4.37](#)



Mandatory Label Information

7% or More

Authorized Standards of Fill [27 CFR 4.72](#)

- Must use these container sizes – including kegs
- Between 3 and 18 liters - must be whole liters (4 liters, 12 liters, etc.)
- No size restrictions over 18 liters

3 liters	500 milliliters	200 milliliters*
1.5 liters	375 milliliters	187 milliliters
1 liter	355 milliliters*	100 milliliters
750 milliliters	250 milliliters*	50 milliliters

* New sizes authorized December 29, 2020



Mandatory Label Information

7% or More

Alcohol Content

- May appear on any label
- “Fruit [apple] [pear] Table Wine” may be used ; or
- Specific statements:
 - Alcohol __% by volume
 - Alcohol __% to __% by volume (see part 4 for rules)
 - May use “Alc.” and “Vol.” or “Alc” and “Vol”
 - May replace “by” with “/”
 - May NOT use “ABV”

[27 CFR 4.32\(b\)\(3\)](#), [27 CFR 4.36](#)



Mandatory Label Information

7% or More

Alcohol Content – Labeling Tolerances*

- **7- 14%**
 - Actual alcohol content may be +/- 1.5% (by volume) from the alcohol content statement on the label
[27 CFR 4.36\(b\)\(2\)](#)
- **Above 14%**
 - Actual alcohol content may be +/- 1% (by volume) from the alcohol content statement on the label
[27 CFR 4.36\(b\)\(2\)](#)

*Regardless of tolerances, alcohol content statements must accurately reflect class/type and tax class



Government Health Warning Statement

All domestic and imported cider and perry products with 0.5% alcohol by volume or more must bear the government health warning statement

- May appear on any label (front, back, neck, etc.)
- Must be separate and apart from all other information
- See [27 CFR part 16](#) for complete rules (type size, etc.)

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.



Mandatory Label Information

7% or More

Class and Type

- Must appear on brand label*
- Must use the class, type or other designations found in the standards of identity (SOI) [27 CFR part 4 Subpart H](#)
- If no SOI applies, must use a truthful and adequate statement of composition (wine specialty products)

[27 CFR 4.32\(a\)\(2\)](#), [27 CFR 4.34\(a\)](#)



Class and Type

7% or More

Class

- In the standards of identity, the broad category “wine” is divided into 9 classes, including “Class 5: Fruit Wine” [27 CFR 4.21\(e\)](#)

Type

- Most of the classes include specifically defined types of wine
- “Cider,” “Perry,” and “Carbonated cider” are examples of specific types defined under “Class 5: Fruit Wine”



To be Labeled Simply “Cider” “Hard Cider” “Apple Cider” 7% or More

The product must be:

- Produced by the normal alcoholic fermentation of the juice of sound, ripe apples, and
- Derived wholly (except sugar, water, or added alcohol) from apples

May also be labeled “apple wine”

27 CFR 4.21(e)(5)



To be Labeled “Perry”

7% or More

The product must be:

- Produced by the normal alcoholic fermentation of the juice of sound, ripe pears, and
- Derived wholly (except sugar, water, or added alcohol) from pears

May also be labeled “*pear wine*” but **MAY NOT** be labeled “*pear cider*”

27 CFR 4.21(e)(5)



Effervescent Designations

Cider or Perry that is made effervescent by carbon dioxide at a level of over 0.392 gram per 100mL must be labeled as “sparkling” or “carbonated,” depending on the method used to produce effervescence

- **Sparkling** cider/perry: CO₂ results solely from secondary fermentation within a closed container, tank, or bottle
- **Carbonated** cider/perry: Obtains its effervescence through the artificial injection of CO₂

27 CFR 4.21(e)(5) or 4.34(a)



Effervescent Designations

- The 2017 changes to the definition of wine eligible for the Hard Cider Tax rate increased the maximum allowable CO₂ level to 0.64 g/100mL of wine
- The CO₂ level requiring an effervescent designation did not change (remains >0.392)
- Applicable effervescent designations must be used on cider/perry products with CO₂ level of over 0.392 g/100mL



What Can't be Designated Simply “Cider” or “Perry”? 7% or More

Any wine that does not meet those standards of identity, including:

- Any cider or perry product to which excess sugar or water have been added
- Any wine made with fruits other than 100% apples or pears, respectively
- Any cider or perry product to which spices, flavoring or coloring materials have been added

27 CFR 4.21(e)(5) or 4.34(a)



What Can't be Designated Simply “Cider” or “Perry”?

7% or More

The following wines, which are eligible for the Hard Cider tax rate, may not be labeled simply “Cider,” “Hard Cider” or “Perry”

- Made from a blend of apples and pears
- Made with coloring, spices, or other eligible flavoring materials
- Contains 0.392 g/ 100mL or more of CO₂

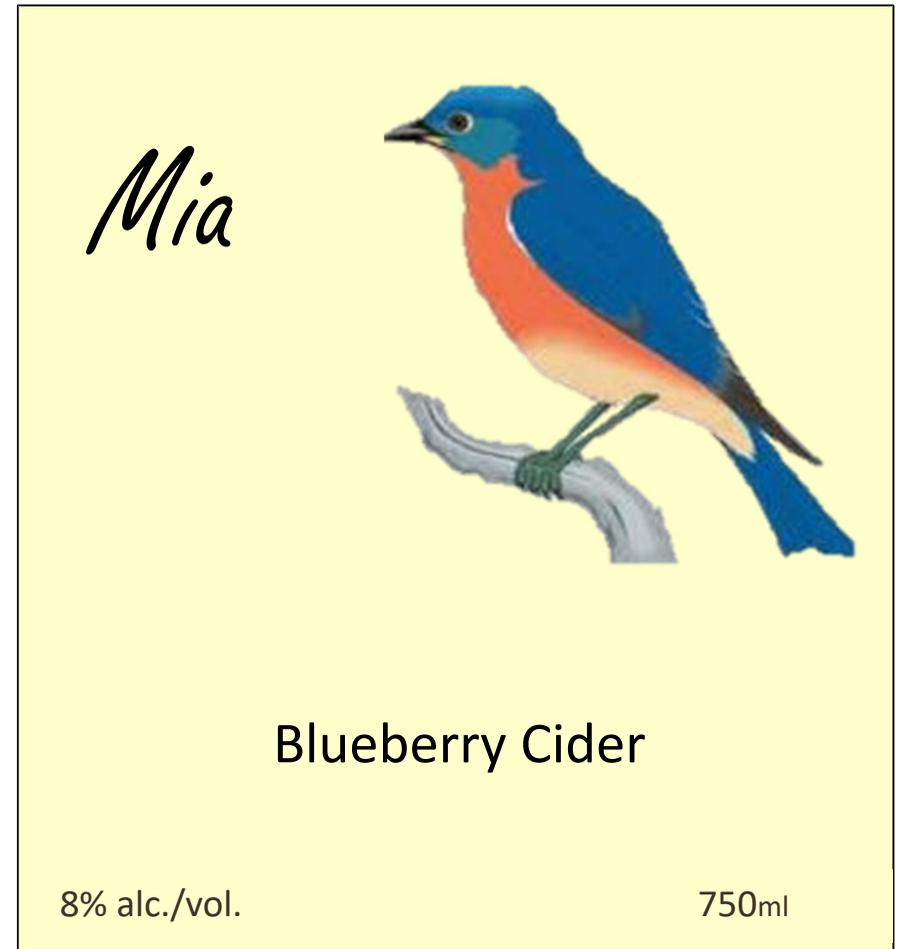
27 CFR 4.21(e)(5) or 4.34(a)



Fermenting Two Kinds of Fruit Juice 7% or More

- Must be designated with a truthful and adequate statement of composition such as "*apple-blueberry wine*" or "*blueberry cider*"
- The designation "*fruit wine*" may appear in direct conjunction with the statement of composition

Does not require formula approval [27 CFR 4.21\(e\)\(5\)](#)



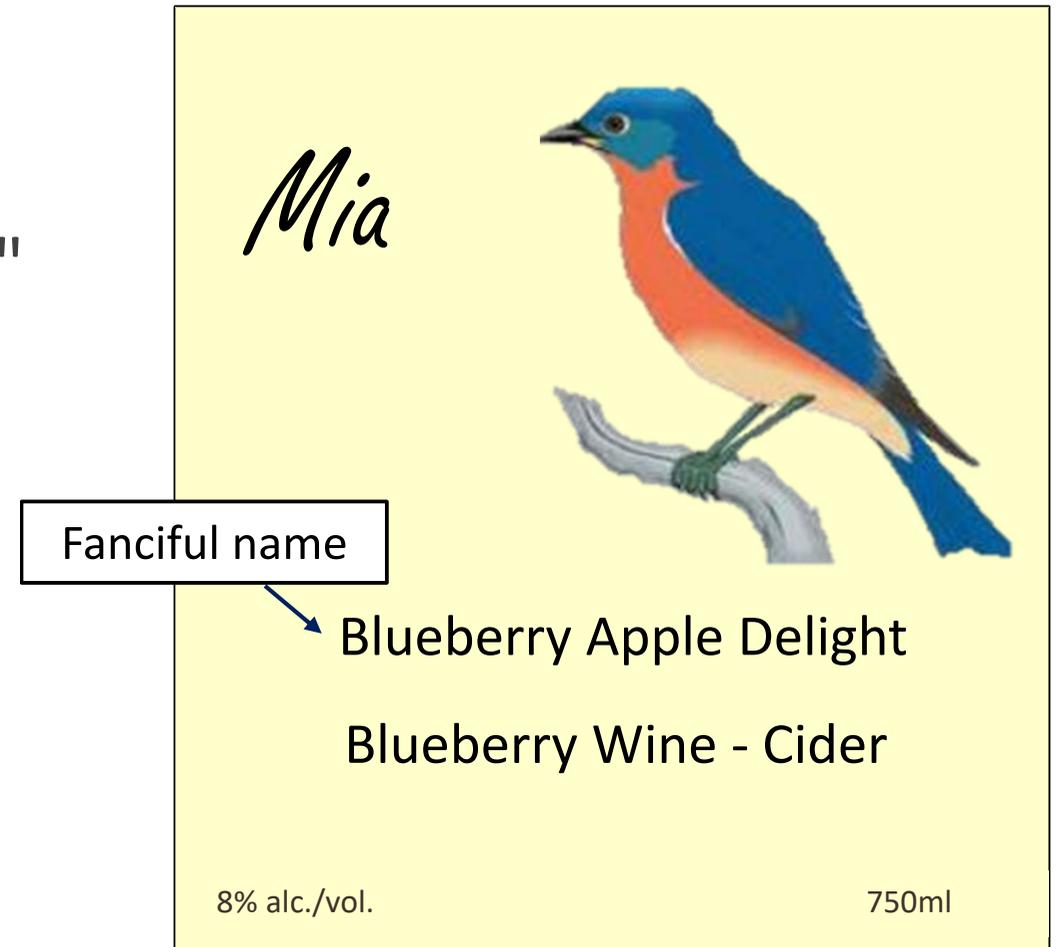


Blending Two Kinds of Fruit Wine

7% or More

- Must be designated with a statement of composition, such as "*apple wine - blueberry wine*" or "*cider – blueberry wine*"
- "*Fruit wine*" may appear in direct conjunction with the statement of composition
- May also be labeled with a fanciful name such as "*Blueberry Apple Delight*"

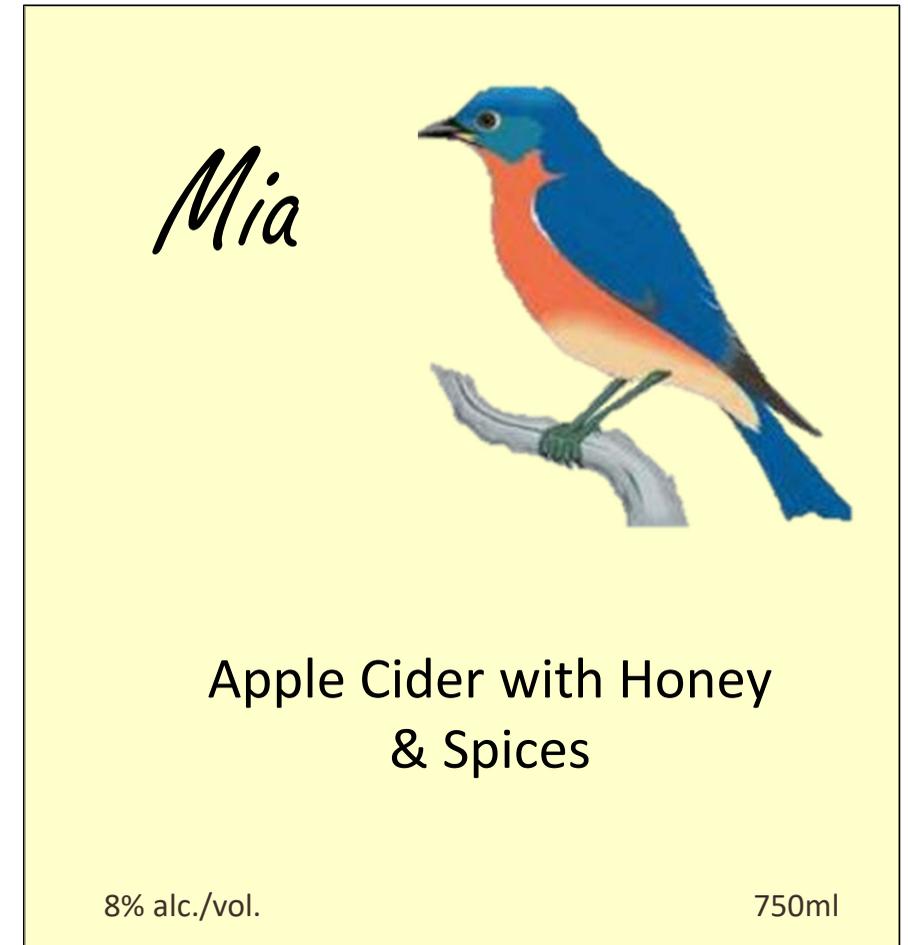
Requires formula approval [27 CFR 4.34\(a\)](#)





Added Honey, Spices, Natural or Artificial Flavors 7% or More

- Must be designated with a statement of composition, such as "*cider with artificial and natural blueberry flavors*" or "*apple cider with honey and spices*"
- May also use a fanciful name but it must not be misleading as to the identity of the product
 - The fanciful name and statement of composition must be the same size and font and must appear together on the Brand Label



Requires formula approval [27 CFR 4.34\(a\)](#)



Any Other Mandatory Information? 7% or More

If applicable the following information must appear:

- On blends consisting of American and foreign wines, if any reference is made to the presence of foreign wine, the exact percentage by volume
- Declarations of the presence of:
 - FD&C Yellow No. 5
 - Cochineal extract or carmine
 - Sulfites

[27 CFR 4.32](#)



Sulfite Declaration

7% or More

- Label must contain a sulfite declaration if the cider/perry product contains 10 ppm or more sulfur dioxide
 - “Contains Sulfites” or “Contains Sulphites”
- No statement is required if cider/perry product contains less than 10 ppm
 - Obtain Lab Analysis
 - Submit analysis with COLA

27 CFR 4.32(e)



Customs Labeling Requirements

Containers of all imported cider and perry products are required to be marked, branded and labeled (for example a Country of Origin statement) in accordance with CBP regulations

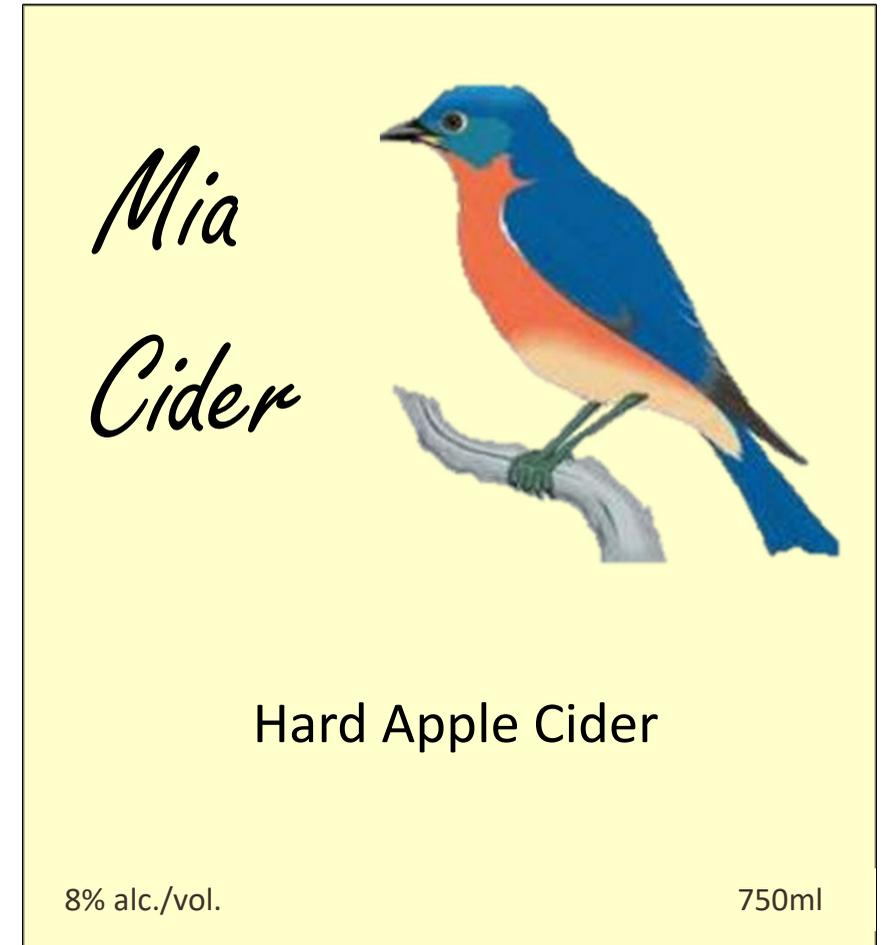
[19 CFR part 11](#), [part 12](#) and [part 134](#)



“Cider” in the Brand Name

7% or More

- “Cider” may be used in a brand name on wines that meet the standard of identity for cider





“Cider” in the Brand Name

7% or More

- “Cider” must be modified to be used in the brand name of wines that do not meet the standard of identity for cider
- Examples: Cider Company (Co.), Ciderworks, Cidery



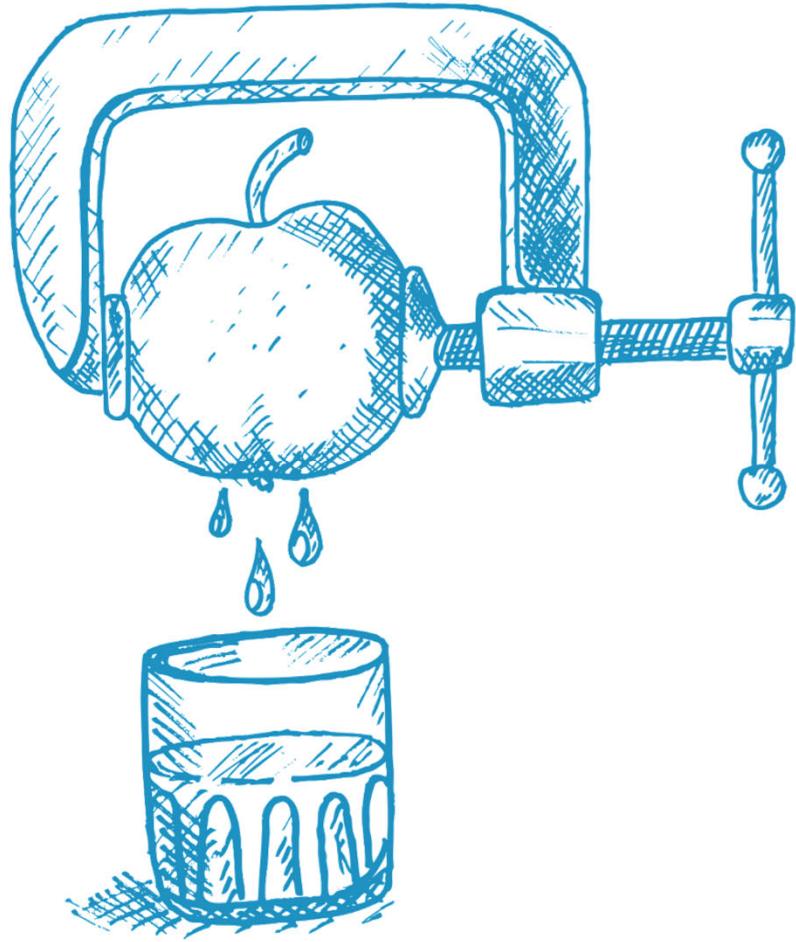


“Cider” in a Fanciful Name

7% or More

- “Cider” may be used in a fanciful name in conjunction with the word “flavored” when flavors are added to apple wine
- The fanciful name "apple perry" or "pear cider" would not be approved because it is misleading as to the identity of the product

The image shows a label for a product named "Mia". The name "Mia" is written in a large, elegant, cursive font at the top. Below it is a square illustration of a basket containing a pear, an apple, and an orange. A white box with the text "Fanciful name" has an arrow pointing to the word "Mia". Below the illustration, the text "Pear Flavored Cider" and "Cider with Natural Flavors" is displayed. At the bottom left of the label, it says "9% alc./vol." and at the bottom right, it says "750ml".



Optional Label Claims



Appellation Of Origin

7% or More

“Cider” and “Perry” labels may bear an **appellation of origin** (for example, a country, state or county) if:

- At least 75% of the cider/perry is derived from fruit grown in the named appellation
- The wine has been fully finished:
 - if labeled with a State appellation, within the labeled State or an adjacent State
 - If labeled with a county appellation, within the State in which the labeled county is located (“County” or “Parish” must accompany the name(s))

27 CFR 4.25



Appellation Of Origin

7% or More

American Viticultural Areas (AVAs), which are defined as grape growing regions, may NOT be used on cider and perry products

27 CFR 4.25



Orchard/Farm/Ranch Name

7% or More

95% of the cider/perry product in the container must have been produced from apples/pears grown on the named **orchard, farm or ranch**

27 CFR 4.39(m)



Gluten Free

Alcohol beverages that are inherently “gluten-free” under the standards set by FDA, (because they are made only from ingredients that do not contain gluten, such as cider fermented from apples) are eligible for a “gluten-free” claim on the label

[TTB Ruling 2020-2 Gluten Content Statements in the Labeling and Advertising of Wine, Distilled Spirits, and Malt Beverages](#)

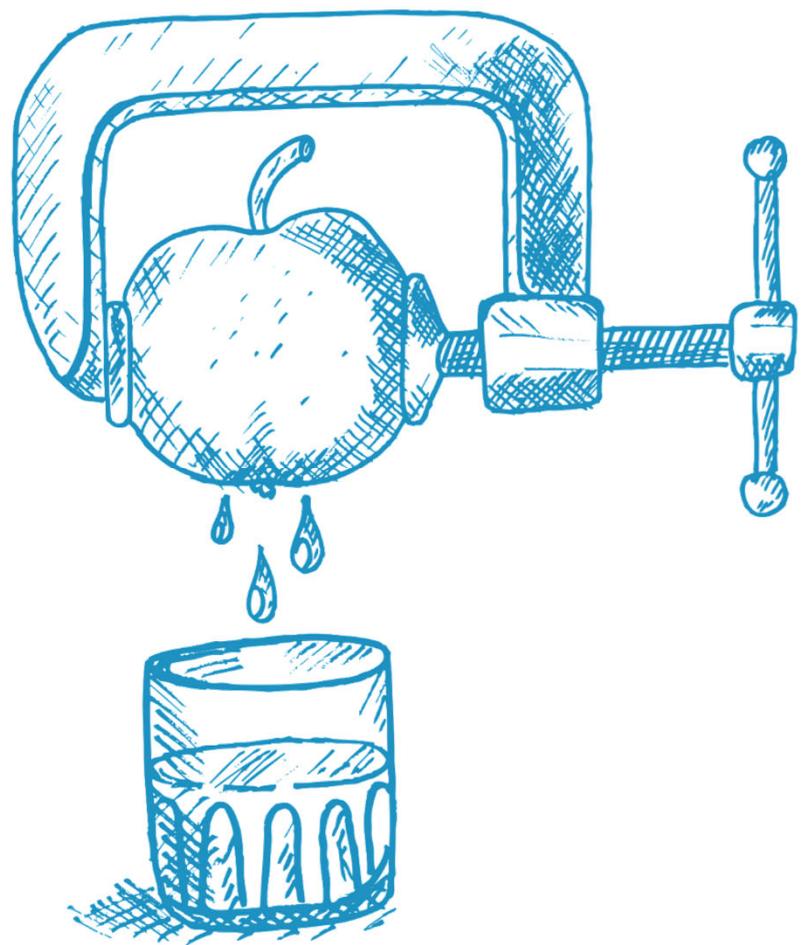
[Gluten-Free Labeling of Foods | FDA](#)



Organic



Any use of the term “**organic**” on any cider/perry product label must comply with the United States Department of Agriculture's (USDA) National Organic Program rules ([7 CFR part 205](#)) as interpreted by the USDA



What Cannot
Appear on the
Label?



Vintage Dates

7% or More

- **Vintage dates** (year of harvest) may only be used on wines made from grapes

[27 CFR 4.27](#)

- Bottling dates are allowed
 - “Bottled in __” (insert the year in which bottled)

[27 CFR 4.39\(c\)](#)



Misleading Impressions

7% or More

Labels may not contain statements/images/etc. that TTB finds are **likely to mislead the consumer**

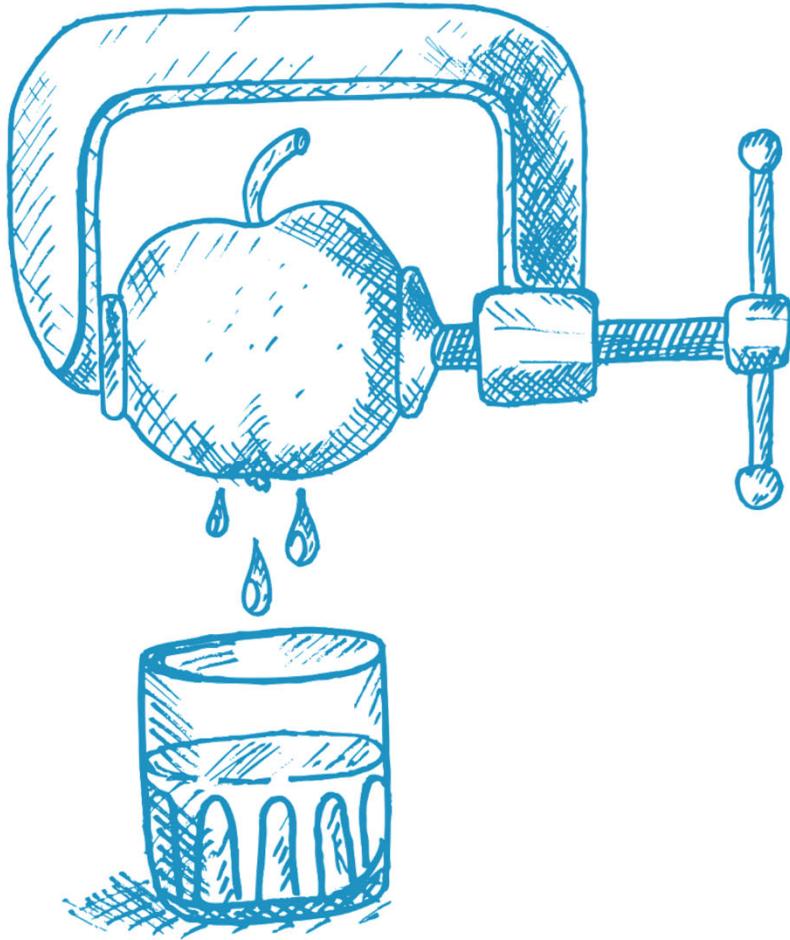


Prohibited Practices

7% or More

See [27 CFR 4.39](#) for the full list of prohibited labeling practices

Mandatory Label Information: Under 7%



These requirements apply to all cider/perry products that are under 7% ABV

AND

to cider/perry products that are 7% ABV or more that are not sold interstate (i.e., Covered by Certificate of Exemption)



Mandatory Label Information

Under 7%

The following statements must appear:

- Name and address of the bottler
- Brand name
- Alcohol content
- Net contents
- Kind of wine
- Health Warning Statement

27 CFR 24.257
27 CFR part 16



Mandatory Label Information

Under 7%

Name and Address of the Bottler

- May appear on any label
- Must be the name and address of the wine premises where bottled or packed

[27 CFR 24.257\(a\)\(1\)](#)



Mandatory Label Information

Under 7%

Brand Name

- The name under which the product is sold; usually the most prominent piece of information on the label
- May appear on any label
- If there is no brand name the name of the bottler is considered the brand name

[27 CFR 24.257\(a\)\(2\)](#)



Mandatory Label Information

Under 7%

Alcohol Content

- May appear on any label
- Must be stated as percent by volume or in accordance with 27 CFR part 4

[27 CFR 24.257\(a\)\(3\)](#)



Mandatory Label Information

Under 7%

Alcohol Content – Labeling Tolerances

- Actual alcohol content may be +/- 0.75% (by volume) from the alcohol content statement on the label

[27 CFR 24.257\(a\)\(3\)](#)



Mandatory Label Information

Under 7%

Net Contents

- May appear on any label; or
- May be etched/blown into the container

[27 CFR 24.257\(a\)\(5\)](#)

There are no restrictions on container sizes for under 7% wines or those covered by a Certificate of Exemption; they also don't have to be in metric size containers



Mandatory Label Information

Under 7%

Kind of Wine

- May appear on any label
- Must identify product as wine by using the term, “wine,” or a word that signifies the type of wine, such as “cider” or “perry”
- If eligible for the Hard Cider tax rate, the kind should not be inconsistent with the Hard Cider tax class:
 - OK: “hard cider,” “apple wine,” “pear wine,” “apple cider,” “apple perry,” “apple pear wine,” “cider” and “perry”
 - Not OK: “blueberry cider”

[27 CFR 24.257\(a\)\(4\)](#)



Mandatory Label Information

Under 7%

Kind of wine - Effervescent Wine

- Cider/Perry products that contain more than 0.392 gram per 100mL carbon dioxide must be labeled accordingly:
 - **Sparkling Wine:** CO₂ results solely from secondary fermentation within a closed container, tank, or bottle
 - **Carbonated Wine:** Obtains its effervescence through the artificial injection of CO₂

[27 CFR 24.257\(a\)\(4\)](#)



Effervescent Designations

- The 2017 changes to the definition of wine eligible for the Hard Cider tax rate increased the maximum allowable CO₂ level to 0.64 g/100mL of wine
- The CO₂ level requiring an effervescent designation did not change (remains >0.392)
- Applicable effervescent designations must be used on cider/perry products with CO₂ level of over 0.392 g/100mL



Mandatory Label Information

Under 7%

Kind of wine – Indication of Tax Class

- Must include enough information to identify the tax class when viewed with the alcohol content
- You can meet this requirement for wines eligible for the Hard Cider tax rate by using “Tax Class 5041(b)(6)”



Government Health Warning Statement

All domestic and imported cider and perry products with 0.5% alcohol by volume or more must bear the government health warning statement

- May appear on any label (front, back, neck, etc.)
- Must be separate and apart from all other information
- See [27 CFR part 16](#) for complete rules (type size, etc.)

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.



FDA Labeling Requirements

Under 7%

The labels of cider/perry products with under 7% alc. by vol. must comply with applicable [FDA food labeling requirements](#), including ingredient labeling, nutrition labeling*, and allergen labeling requirements

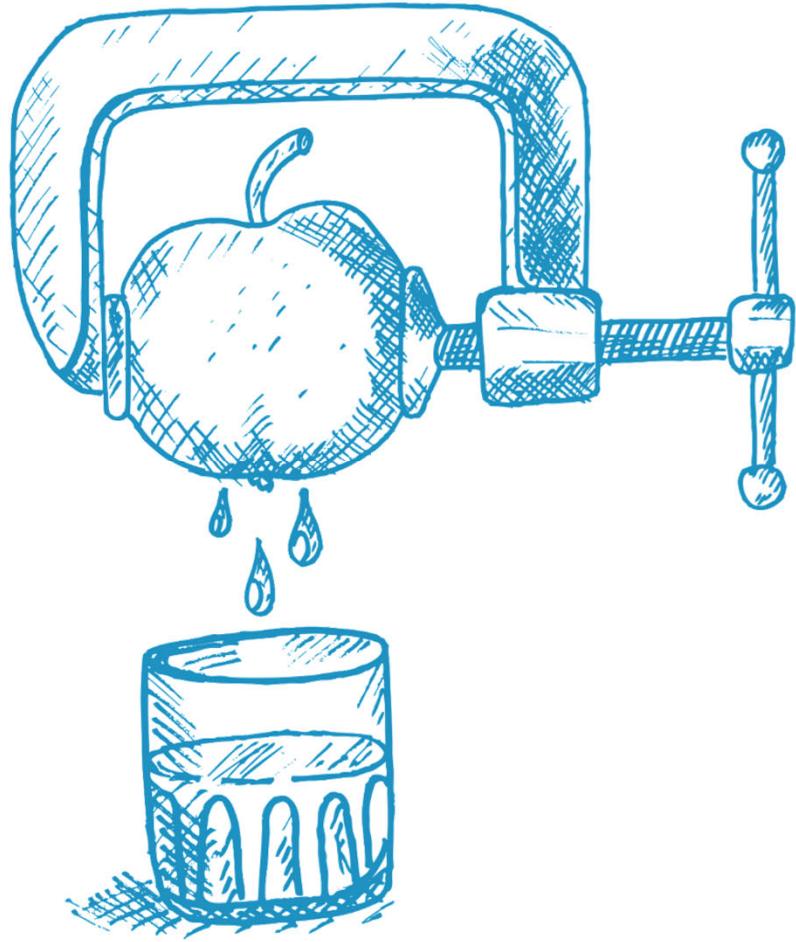
*Certain small businesses can be exempt from FDA Nutrition Facts Labeling (See [Small Business Nutrition Labeling Exemption](#))



Customs Labeling Requirements

Containers of all imported cider and perry products are required to be marked, branded and labeled (for example a Country of Origin statement) in accordance with CBP regulations

[19 CFR part 11](#), [part 12](#) and [part 134](#)



COLA Requirements



When is a COLA Required?

7% or More

- Applies only to cider/perry products that contain 7% or more alcohol by volume
- Only required if the cider/perry product will be shipped in or otherwise introduced into interstate or foreign commerce [27](#)
[CFR 4.50\(a\)](#)
- The bottler/packer must get a COLA before bottling/packing the product



Certificate of Exemption

7% or More

- A certificate of exemption is also issued on [TTB Form 5100.31](#)
- Applies only to cider/perry products that contain 7% or more alcohol by volume
- Signifies that the associated product is exempt from the FAA Act labeling rules in part 4
- Issued under the condition that the product will under no circumstances be introduced into interstate or foreign commerce [27 CFR 4.50\(b\)](#)
 - The label must bear the statement, “For sale in (name of state where bottled) only”