Labeling of Ciders Under TTB Jurisdiction

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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 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?

If the alcohol content by volume is:

<table>
<thead>
<tr>
<th>Alcohol Content</th>
<th>Interstate Commerce?</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.5 to &lt; 7%</td>
<td>Yes</td>
</tr>
<tr>
<td>7 to 24%</td>
<td>No</td>
</tr>
</tbody>
</table>

Then the following wine labeling laws and regulations apply:

<table>
<thead>
<tr>
<th>Law</th>
<th>Regulations</th>
<th>Yes</th>
<th>No</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcoholic Beverage Labeling Act of 1988 (ABLA)</td>
<td>27 CFR part 16 - Alcoholic Beverage Health Warning Statement</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Internal Revenue Code (IRC)</td>
<td>27 CFR part 24 - Wine</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>27 CFR part 27 - Importation of Distilled Spirits, Wines, and Beer</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Federal Alcohol Administration (FAA) Act</td>
<td>27 CFR part 4 - Labeling and Advertising of Wine</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
Mandatory Label Information
1. Cider with 7% or more alc/vol
2. Cider with under 7% alc/vol
Type Size Requirements

Applies to all mandatory label information, except alcohol content and government health warning statement, regardless of alc./vol.

<table>
<thead>
<tr>
<th>If the container size is:</th>
<th>Then the MINIMUM type size is:</th>
</tr>
</thead>
<tbody>
<tr>
<td>187 milliliters or less</td>
<td>1 millimeter</td>
</tr>
<tr>
<td>More than 187 milliliters</td>
<td>2 millimeters</td>
</tr>
</tbody>
</table>

27 CFR 4.38(b) and 27 CFR 24.257(a)
# Type Size Requirements

**Alcohol Content**

<table>
<thead>
<tr>
<th>If the container size is:</th>
<th>Then the MINIMUM type size is:</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 liters or less</td>
<td>1 millimeter</td>
</tr>
<tr>
<td>More than 5 liters</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>If the container size is:</th>
<th>Then the MAXIMUM type size is:</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 liters or less</td>
<td>3 millimeters</td>
</tr>
<tr>
<td>More than 5 liters</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Mandatory Label Information:
7% or more alc/vol

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

<table>
<thead>
<tr>
<th>3 liters</th>
<th>500 milliliters</th>
<th>200 milliliters*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.5 liters</td>
<td>375 milliliters</td>
<td>187 milliliters</td>
</tr>
<tr>
<td>1 liter</td>
<td>355 milliliters*</td>
<td>100 milliliters</td>
</tr>
<tr>
<td>750 milliliters</td>
<td>250 milliliters*</td>
<td>50 milliliters</td>
</tr>
</tbody>
</table>

*Authorized December, 2020
Mandatory Label Information
7% or More

Alcohol Content

- May appear on any label
- “Fruit [apple] [pear] Table Wine” may be used if the wine contains 14% or less alcohol by volume; 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
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.
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)
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, with a Country of Origin statement) in accordance with CBP regulations

19 CFR part 11, part 12 and part 134
“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
Optional Label Claims:
7% or more alc/vol
“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))
American Viticultural Areas (AVAs), which are defined as grape growing regions, may NOT be used on cider and perry products
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)
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**
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?

7% or more alc/vol
• **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% alc/vol

These requirements apply to all cider/perry products that are under 7% alc/vol and to cider/perry products that are 7% alc/vol 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

*The rules for labeling effervescent wine are the same for both under 7% and 7% or more

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, with a Country of Origin statement) in accordance with CBP regulations

19 CFR part 11, part 12 and part 134
COLAs & Certificates of Exemption:
7% or more alc/vol

Applicable only to cider/perry products with 7% or more alc/vol
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 \textit{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”
## Cider Resources

### Wine/Cider Labeling
[https://www.ttb.gov/wine/labeling](https://www.ttb.gov/wine/labeling)

### Anatomy of a Wine Label

### Cider Resources
[https://www.ttb.gov/cider/cider-resources](https://www.ttb.gov/cider/cider-resources)

### Cider FAQs
[https://www.ttb.gov/faqs/alcohol#Cider](https://www.ttb.gov/faqs/alcohol#Cider)

### COLAs Online Customer Page
[https://www.ttb.gov/labeling/colas](https://www.ttb.gov/labeling/colas)

### Allowable Revisions to Approved Labels
[www.ttb.gov/labeling/allowable-revisions](www.ttb.gov/labeling/allowable-revisions)

### Processing Times for Label Applications
[https://www.ttb.gov/labeling/processing-times](https://www.ttb.gov/labeling/processing-times)

### Labeling Laws and Regulations
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

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