



**CRAFT  
BREWERS  
CONFERENCE**  
& BrewExpo America

# “Hard Seltzers” What are the TTB Rules?

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# 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 (TTB) 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 applicable laws and regulations for the most current requirements.

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



# Terms Not Defined by TTB

- TTB regulations do not define any of these terms:
  - Hard seltzer
  - Alcoholic seltzer
  - Spiked seltzer
  - Hard sparkling water



# According to Trade Press

- Based on industry publications, hard seltzers are most commonly:
  - Carbonated water, flavoring, and alcohol
  - Made from fermented sugar or malted barley
  - About 4-6% alcohol by volume
  - Low in calories



# How are They Regulated by TTB?

- Frequently, products sold as hard seltzer or similar names are classified as beer (vs. wine or distilled spirits)
  - If **made with both malted barley and hops** they are classified as beer under the Internal Revenue Code and malt beverages under the Federal Alcohol Administration Act
  - If **not made with both malted barley and hops** they are classified as beers that are not malt beverages
    - For example, products made from fermented sugar or from malted barley but not hops

[TTB Ruling 2008-3](#)



# Formula Requirements

- Most brewery products sold as hard seltzer or similar names **require formula approval** due to the addition of flavoring or coloring materials
- Use our online tool to find out if yours does:

[Which Alcohol Beverages Require Formula Approval > Beer and Malt Beverages](#)

27 CFR 25.55 & 27 CFR 7.31(d)



# Labeling Requirements

## Products w/o Both Malted Barley and Hops

- Brewery products must meet the Internal Revenue Code (IRC) labeling requirements of [27 CFR part 25](#):
  - Name or trade name of the brewer
  - Net contents (not required on kegs)
  - Kind, such as beer, ale, porter, stout, etc. (not required on kegs)
    - Note: “hard seltzer” or similar terms **DO NOT** meet this requirement and may only be used in addition to one of the terms above
  - Place of production (city and State)

27 CFR 25.141 & 27 CFR 25.142



# Labeling Requirements

## Products w/o Both Malted Barley and Hops (Cont.)

- Must be labeled with the **Government Health Warning Statement** ([27 CFR part 16](#))
- Also subject to **FDA food labeling** regulations under the Federal Food, Drug, and Cosmetic Act ([21 CFR part 101](#))
- Label approval (**COLA**) is not required by TTB





# Labeling Requirements

## Products with Both Malted Barley and Hops

- Generally, must meet the Federal Alcohol Administration Act (FAA Act) labeling requirements of [27 CFR part 7](#) including:
  - Brand name
  - Class such as malt beverage, beer, ale, porter, stout, etc.
    - Note: “hard seltzer” or similar terms **DO NOT** meet this requirement and may only be used in addition to one of the above terms
  - Name and address of the bottler
  - Net contents
  - Alcohol content (if made with flavors containing alcohol)
  - Declaration of certain ingredients such as FD&C yellow #5

27 CFR part 7 Subpart C



# Labeling Requirements

## Products with Both Malted Barley and Hops (Cont.)

- Must be labeled with the **Government Health Warning Statement** ([27 CFR part 16](#))
- Label approval (**COLA**) is generally required if the product will be sold across state lines

27 CFR 7.30, 7.31, 7.40, 7.41