

TTB Workshop Mead Formulas and Labels

MEADCON 2020

MARCH 17-19, 2020



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.

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



Formulas

VONZELLA C. JOHNSON FORMULA SPECIALIST



Formula Basics



Think of a formula as a recipe – it includes:

- Quantitative list of ingredients
- Method of manufacture
 - Describes the steps you take to create your product
 - Must include each ingredient mentioned on the ingredients list
- Total yield, or batch size



When are Formulas required?

In general, formula approval is required if a wine is made with:

- Flavors, (with or without alcohol) including compounded flavors, essences, and extracts
- Coloring materials



Which Alcohol Beverages Require Formula Approval?

For certain distilled spirits, beers/malt beverages, and wines, TTB must evaluate the ingredients and production process before the product can be made or imported, and before you can submit your labels to TTB (if required). In some cases we also analyze a sample of the product in our laboratory while reviewing the formula.

Select your commodity, then answer a few questions about your product and we'll tell you whether it needs formula approval:



Start



Start



Start

https://www.ttb.gov/formulation/which-alcohol-beverages-require-formula-approval



Who Applies for Formula Approval and When

Formulas, when required, are submitted by:

- Domestic: the producer (BW proprietor)
- Imported*: U.S. importer (holder of an Importer's Basic Permit)

Formulas must be obtained:

- Domestic: before product is produced and before applying for label approval (if needed)
- Imported*: before applying for label approval and before product is removed from customs custody

^{*} Formula requirements do not apply to imported wine with under 7% ABV



How Do I Apply for Formula Approval?

We encourage you to use Formulas Online

- Step-by-step guidance
- Data validation checks along the way
- Application status updates via email



https://www.ttbonline.gov/ttbonline/



Formulas Online - Helpful Hints

If using compounded flavors, always provide:

- Flavor Ingredient Data Sheet (FIDS)
 - Include a TTB number
 - Flavor Product Number
 - Flavor classification (natural, artificial, etc.)
 - TTB Nonbeverage Lab approval status
- Limited Ingredient Calculation Worksheet

If using ingredients made from multiple components provide:

Ingredient Specification Sheet (Spec sheet)



Top 5 Reasons Wine Formulas are Returned

- 1. FID sheet is missing or does not contain all required information
- 2. Ingredient spec sheet is missing
- 3. Clarification needed on a specific ingredient
- 4. Formula not required for this product
- 5. Limited Ingredient Calculation Worksheet is missing



How are Honey Wine Products Classified for Production Purposes?



How are Honey Wine Products Classified?

Depending on how they are made, wines made by fermenting honey are either:

- Standard Agricultural (honey) wine
- Other than standard wine

27 CFR 24.200, 24.218, 24.203



Production of Domestic Standard Honey

Wine

Formula approval is not required for standard honey wine per TTB Ruling 2016-2

- Honey must be the sole fermentable ingredient
- The following may be added:
 - Water to facilitate fermentation, provided the density of the honey and water mixture is not reduced below 13 degrees Brix
 - Hops in quantities not to exceed one pound for each 1,000 pounds of honey
 - Pure, dry sugar or honey for sweetening
 - Sugar may be added only after fermentation is completed
- After complete fermentation or complete fermentation and sweetening:
 - May not have an ABV of more than 14%
 - May not have a total solids content that exceeds 35 degrees Brix

27 CFR 24.200, 24.203



Production Limitations for Domestic Standard Honey Wine

- No wine spirits/honey spirits/brandy may be added
- No coloring or flavoring materials (e.g., fruit juices, spices, or other flavoring materials) may be added
 - Exception: hops may be added to honey wine
- Cannot be the product of blending honey wine with wine made from fruit or any other agricultural commodities



Note: Grain, cereal, malt, or molasses are never allowed in the production of wine, and may not be received on bonded wine premises

27 CFR 24.200, 24.203



Label Designations for Domestic Standard Honey Wine*

Standard honey wine may be labeled as:

- Honey wine
 - Sparkling honey wine
 - Carbonated honey wine

contains more than 0.392 gram of CO₂ per 100 milliliters

Mead

* 7% or more ABV, sold interstate

27 CFR 4.21(f)



Other than Standard/Wine Specialty

Other than standard wine made from honey includes wine made:

- With sugar, water, or sugar and water beyond the limitations prescribed for standard honey wine
- By blending honey wine with wine made from fruit/other agricultural products
- With sugar other than pure dry sugar, liquid pure sugar, and invert sugar syrup
- With materials not authorized for use in standard honey wine
 - Flavors (other than hops), e.g., spices, fruit juice
 - Colors
 - Wine spirits

Formula approval is **always** required for other than standard wine

27 CFR 24.211, 24.218



Other than Standard/Wine Specialty Product

Other than standard wine includes honey wine:

- Produced below 13° Brix
- Finished above 14% ABV
- Where sugar is added before fermentation
- Where fruit juice, spices, or other flavoring materials are added



Note: Grain, cereal, malt, or molasses are never allowed in the production of wine, and may not be received on bonded wine premises

27 CFR 24.218



Label Designations for Domestic Other than Standard Wine/Wine Specialties*

- Wine specialty products may NOT be labeled as "honey wine" or "mead"
- Wine specialty products must be labeled with a truthful and adequate statements of composition
- TTB provides a suggested statement of composition during formula review
 - TTB's suggestion is general you may choose to be more specific

* 7% or more ABV, sold interstate

27 CFR 4.34





Labeling

NICOLE CANDELORA
QUALITY ASSURANCE COORDINATOR



Internal Revenue Code (IRC) (27 CFR part 24)

• "Wine" is 0.5-24% ABV

Federal Alcohol Administration Act (FAA Act) (27 CFR part 4)

"Wine" is 7-24% ABV

Alcohol Beverage Labeling Act (27 CFR part 16)

All beverage alcohol 0.5% ABV or higher



Food, Drug and Cosmetics Act (21 CFR part 101)

Applies to mead/honey wine products under 7% ABV

Customs Labeling (19 CFR part 11, part 12, and part 134)

Applies to imported mead/honey wine products



Which Labeling Requirements Apply?

Mead/honey wine products under 7% ABV

- TTB IRC mandatory (part 24)
- Government Health Warning (part 16)
- FDA requirements



Which Labeling Requirements Apply?

Mead/honey wine 7% or more ABV, NOT sold in interstate commerce

- TTB IRC mandatory (part 24)
- Certificate of Exemption is required (part 4)
- Government Health Warning (part 16)

Mead/honey wine with 7% or more ABV, IS sold in interstate commerce

- TTB IRC mandatory (part 24)
- FAA Act labeling requirements (part 4)
- Certificate of Label Approval (COLA) is required
- Government Health Warning (part 16)



3

Which Labeling Laws and Regulations

Apply?

		if the diconor content by volume is:			
		0.5 to < 7%	7 to	24%	
			Interstate commerce?		
		2	Yes Covered by COLA	No Covered by Cert. of Exemp.	
Then the following wine labeling laws and regulations apply:					
Law	Regulations				
Alcoholic Beverage Labeling Act of 1988 (ABLA) 27 U.S.C. 213 et seq.	27 CFR part 16 - Alcoholic Beverage Health Warning Statement	X	Х	X	
Internal Revenue Code (IRC) 26 U.S.C. Chapter 51	27 CFR part 24 - Wine	X	X	X	
Federal Alcohol Administration (FAA) Act 27 U.S.C. 201 et. seq.	27 CFR part 4 - Labeling and Advertising of Wine		Х		
Federal Food, Drug, and Cosmetic Act (FD&C Act) 21 U.S.C. 341-350	21 CFR part 101 – Food Labeling	X			



Mandatory Label Information



Type Size Requirements

For 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

For alcohol content:

If the container size is:	Then the minimum type size is:
5 liters or less	1 millimeter
More than 5 liters	No minimum

If the container size is:	Then the <u>maximum</u> type size is:
5 liters or less	3 millimeters
More than 5 liters	No maximum



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

FDA Labeling Requirements Under 7%

The labels of honey wine/mead products with **under 7% ABV** must comply with applicable <u>FDA food labeling requirements</u>, including:

- Ingredient labeling
- Nutrition labeling*
- Allergen labeling requirements

*Certain small businesses can be exempt from FDA Nutrition Facts Labeling (See <u>Small Business Nutrition</u> <u>Labeling Exemption</u>)



Customs Labeling Requirements

Containers of all **imported** honey wine/mead 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



TTB Mandatory Label Information

7% or More – Not Sold Interstate

The labeling requirements are similar to those that apply to under 7% ABV:

- Name and address of the bottler
- Brand name
- Alcohol content
- Net contents
- Kind of wine
- Health Warning Statement
- Customs labeling (imports only)

27 CFR 24.257 27 CFR part 16



Mandatory Label Information

7% or More – Sold Interstate

The labeling rules for mead products with 7% or more ABV and that are 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



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 – Sold Interstate

Brand Name

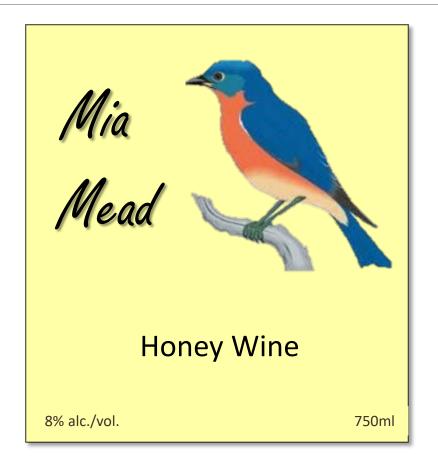
- The name under which the product is sold; usually the most prominent piece of information on the label
- Must appear on the brand label*
- If there is no brand name, the name of the bottler/importer as shown on the brand label is considered the brand name
- May not create a misleading impression
 27 CFR 4.32(a)(1), 27 CFR 4.33

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



"Mead" in the Brand Name 7% or More – Sold Interstate

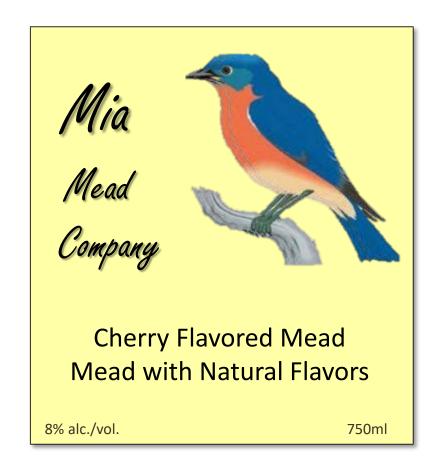
"Mead" may only be used in a brand name on wines that meet the standard of identity for honey wine/mead





"Mead" in the Brand Name 7% or More – Sold Interstate

"Mead" must be modified when used in the brand name of wines that do not meet the standard of identity for mead





Mandatory Label Information 7% or More – Sold Interstate

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 – Sold Interstate

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 – Sold Interstate

Authorized Standards of Fill 27 CFR 4.72

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

3 liters	375 milliliters
1.5 liters	187 milliliters
1 liter	100 milliliters
750 milliliters	50 milliliters
500 milliliters	



Mandatory Label Information

7% or More – Sold Interstate

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 – Sold Interstate

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 alcohol beverages 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 – Sold Interstate

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)

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



Mandatory Label Information 7% or More – Sold Interstate

Class

• In the standards of identity, the broad category wine is divided into 9 classes, including Class 6: Wine from other agricultural products 27 CFR 4.21(f)(1)

Type

- Most of the classes include specifically defined types of wine
- Honey wine (or mead) is an example of a specific type defined under Class 6

27 CFR 4.21(f)(6)



The product must be:

- Produced by the normal alcoholic fermentation of honey
- Derived wholly from honey (except sugar, water, or, if imported, added alcohol)
 - Hops may be used for flavoring

27 CFR 4.21(f)(6)



Effervescent Designations

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

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



What Can't be Designated Simply "Mead"? 7% or More – Sold Interstate

Any wine that does not meet standard of identity for honey wine, including:

- Any wine that is not derived wholly from honey
- Any mead product to which fruit, spices, flavoring or coloring materials have been added (except allowable limits of hops)
- Any mead product to which excess sugar or water have been added
- Any mead product that contains 0.392 g/ 100mL or more of CO₂

These are classified as **OTS/wine specialties**, and must be labeled with a truthful and adequate **statement of composition**



Statements of Composition 7% or More – Sold Interstate

Statements of composition must include:

- Source(s) of alcohol
- Flavors
- Colors
- Artificial sweeteners

E.g., "Carbonated honey wine with artificial flavors, and cochineal extract"

- They may optionally be labeled with a fanciful name
 - The fanciful name and statement of composition must be the same size and font and must appear together on the brand label

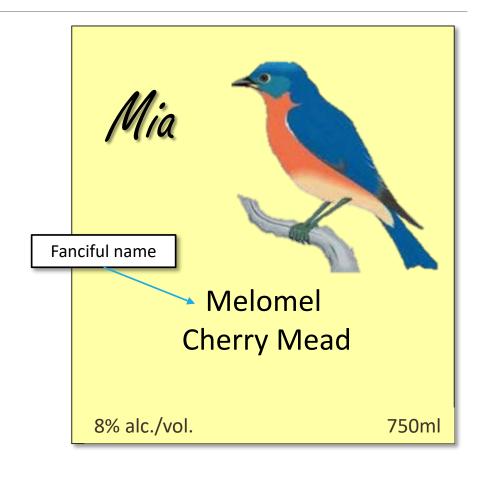


Mead Designations Used in the Industry

7% or More – Sold Interstate

Terms such as **melomel**, **braggot**, or **cyser**, are not recognized by TTB as either a class or type of wine, and thus may not be used as the class/type statement on the label They may used in addition to the class/type statement on meads classified as **OTS/wine specialties**

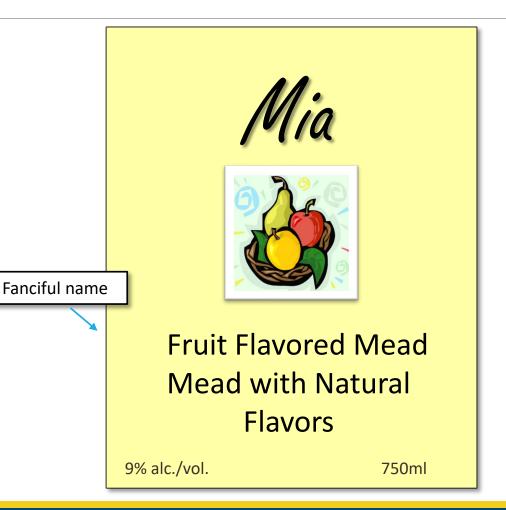
- Fanciful name
- Additional information





"Mead" in a Fanciful Name 7% or More – Sold Interstate

"Mead" may be used in a fanciful name in conjunction with the word "flavored" when flavors are added to honey wine

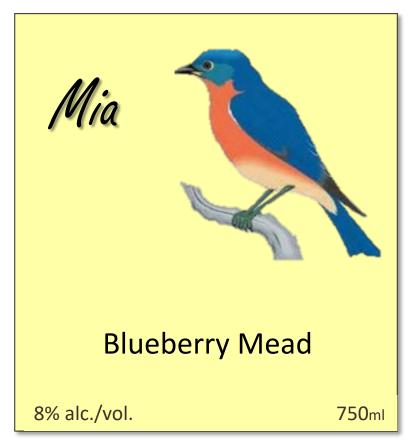




Fermenting Honey with Fruit

7% or More – Sold Interstate

This is an OTS/wine specialty and it must be designated with a truthful and adequate statement of composition such as "honey-blueberry wine" or "blueberry mead"



Requires formula approval

27 CFR 4.21(e)(5)



Blending Honey Wine with Fruit Wine

7% or More – Sold Interstate

This is an **OTS/wine specialty** and it must be designated with a **statement of composition**, such as "honey wine - blueberry wine" or "mead – blueberry wine"

May also optionally be labeled with a fanciful name such as "Blueberry Honey Delight"

 The fanciful name and statement of composition must be the same size and font and must appear together on the brand label Fanciful name **Blueberry Honey Delight** Blueberry Wine - Mead 8% alc./vol. 750ml

Requires formula approval

27 CFR 4.34(a)



Added Spices or Flavors (Except Hops)

7% or More – Sold Interstate

This is an **OTS/wine specialty** and it must be designated with a **statement of composition**, such as "mead with artificial and natural blueberry flavors" or "mead with blueberries and spices"

May also optionally 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)



Honey Wine/Mead flavored with Hops

7% or More – Sold Interstate

This is a **standard honey wine*** and it may be labeled "mead" or "honey wine"

May also optionally mention the presence of hops, e.g., "mead with hops" or "hopped mead"

*If the hops exceed the amount allowed for standard honey wine, then the product is classified as an OTS wine and will require a formula

Hopped Mead 8% alc./vol. 750ml

Does not require formula approval

27 CFR 4.34(a)



Any Other Mandatory Information?

7% or More – Sold Interstate

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



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

27 CFR 4.32(e)



Containers of all **imported** mead 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



Optional Label Claims



Mead/honey wine labels may bear an appellation of origin (for example, a country, state or country) if:

- At least 75% of the honey is derived from 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, which are defined as grape growing regions, may NOT be used on honey wine/mead products

27 CFR 4.25



95 percent of the mead product in the container must have been produced from honey sourced from the named orchard, farm or ranch

27 CFR 4.39(m)



Alcohol beverages that are made from ingredients that do not contain gluten (such as honey wine with spices) may bear "gluten-free" claims in compliance with FDA regulations for inherently gluten-free products

TTB Ruling 2014-2 - Revised Interim Policy on Gluten Content Statements

Gluten-Free Labeling of Foods on www.FDA.gov





Any use of the term "organic" on any honey wine/mead 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 (year of harvest) may only be used on wines made from grapes

• 27 CFR 4.27

Bottling date is allowed

- "Bottled in ___" (insert the year in which bottled)
- 27 CFR 4.39(c)



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

See 27 CFR 4.39 for the full list of prohibited labeling practices



COLA Requirements



- Applies only to mead products that contain 7% or more alcohol by volume
- Only required if the mead 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 – Sold Interstate

- Applies only to Mead products that contain 7% or more alcohol by volume
- Signifies that the associated product is exempt from the 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"



TTB Wine Contacts

National Revenue Center (NRC) – Permits, Taxes, Reports		
Telephone	Toll-free at 877-TTB-FAQS (877-882-3277)	
Address	National Revenue Center 550 Main Street, Suite 8002 Cincinnati, Ohio 45202	
Email	National Revenue Center Contact Form	

TTB Wine Contacts

Alcohol Labeling and Formulation Division	
Telephone	(202) 453-2250
	or Toll-Free at (866) 927-ALFD (2533)
Email	Alcohol Labeling and Formulation Division (ALFD) Contact Form
Regulations and Rulings Division	
Telephone	(202) 453-2265
Email	Regulations and Rulings Contact Form
Address	1310 G Street NW
	Box 12
	Washington, DC 20005



Mead FAQs

https://www.ttb.gov/resources/faqs/alcohol#hw

Wine Labeling Guidance

https://www.ttb.gov/wine/labeling

Subscribe to automatically receive the weekly TTB Newsletter (via email)

https://service.govdelivery.com/accounts/USTTB/subscriber/new

Secure Email Communication with TTB

https://www.ttb.gov/about-ttb/email-security



Resources on TTB.gov

2020 Schedule of Semi-Monthly Tax Due Dates

https://www.ttb.gov/tax-audit/2020-semi-monthly-due-dates-for-revenue-producing-plants

2020 Schedule of Quarterly Tax Due Dates https://www.ttb.gov/tax-audit/2020-quarterly-revenue-producing-plants-due-dates

2020 Due date for Annual Tax Return Filers

https://www.ttb.gov/tax-audit/2020-annual-filers-due-date



Due Dates for Operational Reports

https://www.ttb.gov/tax-audit/due-dates-for-operational-reports

Automated Reminders for Filing Tax Returns and Operational Reports

https://www.ttb.gov/news/automated-reminders-for-filing



Resources on TTB.gov

Labeling (7% and more alcohol by volume)

- Gluten Content Statements
 - https://www.ttb.gov/images/pdfs/rulings/2014-2.pdf
- Allowable Revisions to previously approved labels
 - https://www.ttb.gov/labeling/allowable-revisions
- Alcohol Beverages Labeled with Organic Claims
 - https://www.ttb.gov/alfd/alcohol-beverages-labeled-with-organic-claims
- Current Processing Times for Label Applications
 - https://www.ttb.gov/labeling/processing-times



Resources on TTB.gov

Smart Forms and Forms Tutorials

- TTB F 5120.17sm Temp Report of Wine Premises Operations Smart Form
- TTB F 5000.24, Excise Tax Return
- Helpful Hints in Preparing Form 5000.24, Excise Tax Return



Permits Online

- Permits Online Customer Homepage https://www.ttb.gov/ponl/customer-support
- Logon page https://www.ttbonline.gov/permitsonline/Default.aspx
- Current permit processing times https://www.ttb.gov/nrc/statistics-original-applications-to-operate





Formulas

- Alcohol Beverage Formula Approval home page
 - https://www.ttb.gov/formulation
- Formulas Online Customer Homepage
 - https://www.ttb.gov/formulation/customer-support
- Current Formula Processing Times
 - https://www.ttb.gov/formulation/fonl-processing-times





COLAs Online Customer Homepage

https://www.ttb.gov/labeling/colas

COLAs Online login page

https://www.ttbonline.gov/ttbonline/

Current Label Processing Times

https://www.ttb.gov/labeling/processing-times





FDA Labeling

 Under FDA's laws and regulations, FDA does not pre-approve labels for food products

FDA Food Labeling Guide

https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-food-labeling-guide