



Importing Alcohol Beverages to the United States

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU (TTB)

OCTOBER 20, 2022



Agenda

- TTB Overview
- TTB Requirements for Importing Alcohol Beverages
- Other Regulatory Considerations
- Import Resources
- TTB Contact Information



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.

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



TTB Overview



TTB Overview

- We are a bureau within the Department of the Treasury
- We currently have about 520 employees
- Our headquarters are in Washington, DC
- The National Revenue Center is in Cincinnati, OH
- We have 7 field offices located across the country
- We have 4 laboratories, located in Maryland and California



FY21 By the Numbers

\$20.3 billion	Excise tax revenue collected by TTB
8,300	Applications received for a Federal permit
34,277	Authorized alcohol producers in the United States
195,706	Certificate of Label Approval (COLA) applications received
95%	Percentage of COLA applications received electronically



TTB Requirements for Importing Alcohol Beverages



Applicable Laws and Regulations

Law	Implementing Regulation	Regulation Title
Federal Alcohol Administration Act (FAA) Act	<u>27 CFR Part 1</u>	Basic Permit Requirements under the FAA Act, Nonindustrial Use of Distilled Spirits and Wine, Bulk Sales and Bottling of Distilled Spirits
	<u>27 CFR Part 4</u>	Labeling and Advertising of Wine
	<u>27 CFR Part 5</u>	Labeling and Advertising of Distilled Spirits
	<u>27 CFR Part 7</u>	Labeling and Advertising of Malt Beverages
Internal Revenue Code (IRC), 26 U.S.C. Chapter 51	<u>27 CFR Part 27</u>	Importation of Distilled Spirits, Wines and Beer



TTB Permits

Products defined as wine, distilled spirits, or malt beverages under the FAA Act must be imported by the holder of a Federal Importer's Basic Permit.



TTB Label Approval

For products defined as wine, distilled spirits, or malt beverages under the FAA Act and which are imported in bottles/consumer containers, a Certificate of Label Approval (COLA) must be obtained by the importer prior to removal from customs custody for consumption for sale or any other commercial purpose.

If alcohol beverages are imported in bulk for bottling in the United States, the U.S. bottler would be responsible for obtaining a COLA prior to bottling.



TTB Formula Approval

A formula approval may be required if the alcohol beverage product is made with certain flavoring or coloring materials, or is made utilizing certain processes. (See TTB guidance on our [Formulation](#) page or refer to the [TTB Formula Tool](#) to check if your beverage requires formula approval or lab analysis.)



Federal Excise Tax and Duties

Importers are responsible for all applicable Federal excise taxes and duties. U.S. Customs and Border Protection (CBP) collects all applicable Federal excise taxes on distilled spirits, wine, and beer as defined in the Internal Revenue Code. CBP also collects all applicable duties.



Labeling Requirements for Wine

Must be on brand label	Required information on any label
<ul style="list-style-type: none">• Brand name	<ul style="list-style-type: none">• Alcohol content Note: “Table Wine” may be used in place of a percentage for wine with 7-14% alcohol by volume
<ul style="list-style-type: none">• Class/type designation	<ul style="list-style-type: none">• Name and address statement
<ul style="list-style-type: none">• Appellation of origin (if required)	<ul style="list-style-type: none">• Net contents
	<ul style="list-style-type: none">• Sulfite declaration
	<ul style="list-style-type: none">• Health Warning
	<ul style="list-style-type: none">• Country of origin (as required by Customs regulations)

Requirements apply to wines sold interstate and containing at least 7% alcohol by volume—including **cider** and **perry**.

Refer to TTB guidance on [Wine Labeling](#) for more information.



Labeling Requirements for Distilled Spirits

Must be on any label but in the same field of vision		May be on any label	
• Brand name		• Bottler or importer's name and address (city/state only)	
• Class/type		• Net contents	
• Alcohol content (% ABV)		• Health Warning Statement	
		• Country of origin (as required by Customs regulations)	
May be on any label (if applicable)			
• Percentage of neutral spirits		• Sulfite declaration	
• Commodity statement		• Coloring or flavoring materials	
• Statements of age		• FD&C Yellow #5	
• State of distillation		• Cochineal extract or carmine	
		• Treatment with wood	

Requirements do not include products containing less than one degree of proof (0.5% alcohol by volume).

Refer to TTB guidance on [Distilled Spirits Labeling](#) for more information.



Labeling Requirements for Malt Beverages

Must be on any label	
<ul style="list-style-type: none">• Brand name	<ul style="list-style-type: none">• Name and address
<ul style="list-style-type: none">• Class	<ul style="list-style-type: none">• Government Health Warning
<ul style="list-style-type: none">• Net contents	<ul style="list-style-type: none">• Country of origin (as required by Customs regulations)
<ul style="list-style-type: none">• Alcohol content (for malt beverages containing alcohol derived from added flavors or other non-beverage ingredients (other than hops extract) containing alcohol); otherwise optional (unless required by State law)	<ul style="list-style-type: none">• Ingredient Declaration (if used):<ul style="list-style-type: none">• Aspartame• Sulfites• FD&C Yellow #5• Cochineal extract or carmine

Requirements apply to fermented products made with both malted barley and hops that are sold in interstate commerce and into a state where similar law exists.

Refer to TTB's [Malt Beverage BAM \(Beverage Alcohol Manual\)](#) for more information.



Authorized Standards of Fill

For Wine

- | | |
|----------|-----------|
| • 3 L | • 355 ml* |
| • 1.5 L | • 250 ml* |
| • 1 L | • 200 ml* |
| • 750 ml | • 187 ml |
| • 500 ml | • 100 ml |
| • 375 ml | • 50 ml |

For Malt Beverages

- There are no standards of fill for malt beverages
- Malt beverages may be bottled or packed in any size container

*New authorized standard of fill as of December 2020



Authorized Standards of Fill (cont'd)

For Distilled Spirits (containers other than cans)

- | | |
|------------------|------------------|
| • 1.8 L* | • 700 ml* |
| • 1.75 L | • 375 ml |
| • 1 L | • 200 ml |
| • 900 ml* | • 100 ml |
| • 750 ml | • 50 ml |
| • 720 ml* | |

For Distilled Spirits (metal cans)

- | | |
|----------|----------|
| • 355 ml | • 100 ml |
| • 200 ml | • 50 ml |

*New authorized standard of fill as of December 2020

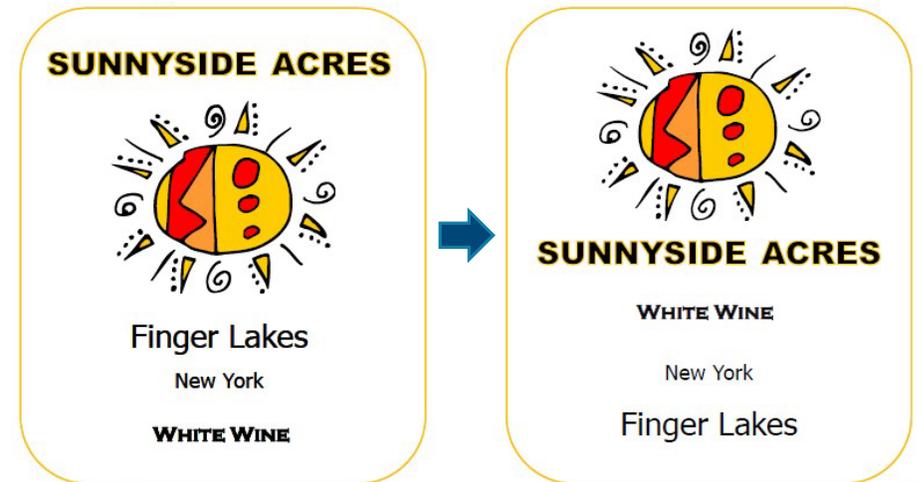


Allowable Changes

TTB allows certain changes to approved labels without requiring a new COLA.

Common changes include:

- Deleting non-mandatory information
- Changing color/font
- Changing net contents
- Changing alcohol content



For a full list of allowable changes, refer to our [Allowable Changes Sample Label Generator](#)



Importation of Samples

Samples of alcohol beverages imported for use at trade shows and/or for soliciting orders may, under certain conditions, be imported without a COLA.

Importers of such samples can apply to TTB for a waiver from the COLA requirements (“COLA waiver”) in the form of a letter request.

Refer to our [Importing Alcohol for Trade Shows](#) page for more information.



Federal Excise Taxes

Certain provisions of the *Tax Cuts and Jobs Act of 2017* (known as CBMA) established reduced tax rates on beer and spirits and specific tax credits for wine.

In December 2020, the President signed the *Taxpayer Certainty and Disaster Tax Act of 2020* which made these reduced tax rates and tax credits permanent.

For beer, spirits, and wine produced outside of the United States and imported, foreign producers may assign the reduced tax rates and credits to importers who elect to receive them.

CBP has administered the reduced rates and credits on imports since CBMA was enacted in 2017, and will maintain administration over imports subject to CBMA through 2022. TTB will administer CBA importer refund claims starting in 2023.

DISTILLED SPIRITS – Reduced Tax Rates on Imports

<ul style="list-style-type: none"> •Electing U.S. importers may take advantage of reduced rates appropriately assigned to them by a foreign distilled spirits operation 	Proof Gallons per Calendar Year	
	First 100,000 Proof Gallons (Rate per Proof Gallon)	Over 100,000 up to 22,230,000 Proof Gallons (Rate per Proof Gallon)
	\$2.70	\$13.34

DISTILLED SPIRITS – General Tax Rate on Imports

<ul style="list-style-type: none"> •Applies to U.S. importers who are not assigned a reduced rate by a foreign distilled spirits operation •Applies to importers who have already taken advantage of assigned reduced rates 	All Proof Gallons (Rate per Proof Gallon)
	\$13.50

BEER – Reduced Tax Rates on Imports

	First 6,000,000 (Rate per Barrel)
Beer removed by an electing U.S. importer with a reduced rate appropriately assigned to them by a foreign brewer	\$16.00

BEER – General Tax Rate on Domestic Removals or Imports

	All Barrels (Rate per Barrel)
Beer removed by: •A U.S. importer who is not assigned a reduced rate by a foreign brewer •An importer who has already taken advantage of assigned reduced rates	\$18.00

WINE – Tax Rates and Tax Credits on Imports

Tax Class	Tax Rate per Wine Gallon	Tax Credits per Calendar Year (and Effective Tax Rates per Wine Gallon After Applicable Credits)		
		•Electing U.S. importers may take advantage of tax credits appropriately assigned to them by a foreign winery		
		First 30,000 Wine Gallons	Over 30,000 up to 130,000 Wine Gallons	Over 130,000 up to 750,000 Wine Gallons
Still Wine				
16% and under alcohol by volume (0.392g CO2/100mL or less)	\$1.07	\$1 credit (\$0.07)	90¢ credit (\$0.17)	53.5¢ credit (\$0.535)
Over 16 - 21% alcohol by volume (0.392g CO2/100mL or less)	\$1.57	\$1 credit (\$0.57)	90¢ credit (\$0.67)	53.5¢ credit (\$1.035)
Over 21 - 24% alcohol by volume (0.392g CO2/100mL or less)	\$3.15	\$1 credit (\$2.15)	90¢ credit (\$2.25)	53.5¢ credit (\$2.615)
Mead No more than 0.64g CO2/100mL; derived solely from honey and water; containing no fruit product or fruit flavoring; and containing less than (not equal to) 8.5% alcohol by volume	\$1.07	\$1 credit (\$0.07)	90¢ credit (\$0.17)	53.5¢ credit (\$0.535)
Low alcohol by volume wine No more than 0.64g CO2/100mL; derived primarily from grapes or from grape juice concentrate and water; containing no fruit product or fruit flavoring other than grape; and containing less than (not equal to) 8.5% alcohol by volume	\$1.07	\$1 credit (\$0.07)	90¢ credit (\$0.17)	53.5¢ credit (\$0.535)

WINE – Tax Rates and Tax Credits on Imports

Tax Class	Tax Rate per Wine Gallon	Tax Credits per Calendar Year (and Effective Tax Rates per Wine Gallon After Applicable Credits)		
		•Electing U.S. importers may take advantage of tax credits appropriately assigned to them by a foreign winery		
		First 30,000 Wine Gallons	Over 30,000 up to 130,000 Wine Gallons	Over 130,000 up to 750,000 Wine Gallons
Artificially Carbonated Wine				
Over 0.392g CO ₂ /100mL - injected or otherwise added	\$3.30	\$1 credit (\$2.30)	90¢ credit (\$2.40)	53.5¢ credit (\$2.765)
Sparkling Wine				
Over 0.392g CO ₂ /100mL - naturally occurring	\$3.40	\$1 credit (\$2.40)	90¢ credit (\$2.50)	53.5¢ credit (\$2.865)
Hard Cider				
No more than 0.64g CO ₂ /100mL; derived primarily from apples/pears or apple/pear juice concentrate and water; containing no other fruit product or fruit flavoring other than apple/pear; and containing at least 0.5% and less than (not equal to) 8.5% alcohol by volume	\$0.226	6.2¢ credit (\$0.164)	5.6¢ credit (\$0.17)	3.3¢ credit (\$0.193)



Other Regulatory Considerations



Other Regulatory Considerations

Food Facility Registration and Prior Notice Requirements

The Bioterrorism Act of 2002 requires anyone who manufactures, processes, packs, or holds food (including alcohol beverages) for consumption in the U.S. register with the FDA as a [food facility](#). Importers are also required to provide [prior notice](#) for any shipments of food (including alcohol beverages) that will be imported or offered for import to the U.S.

State-Level Requirements

Importers must also meet the requirements of the State and local jurisdictions where the importer is engaged in the importation of beverage alcohol products. State and local jurisdictions may have their own importation requirements in addition to Federal requirements. TTB maintains a list of [state alcohol control boards](#).



Import Resources



Import Resources

Labeling and Formulation	Our website includes detailed information and guidance on labeling and formulation requirements for alcohol beverages.
TTB Newsletter	TTB's weekly electronic newsletter includes the top TTB news of the week and other helpful information on TTB and the federal alcohol laws and regulations we enforce.
International Affairs	The International Affairs section of our website includes information on U.S. import requirements for alcohol beverages and importing samples.



TTB Contact Information



TTB Contact Information

International Affairs Division

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Thank you!