



# Mead Labeling

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MARSHA HEATH, WINE LABELING PROGRAM MANAGER



# TTB Disclaimer

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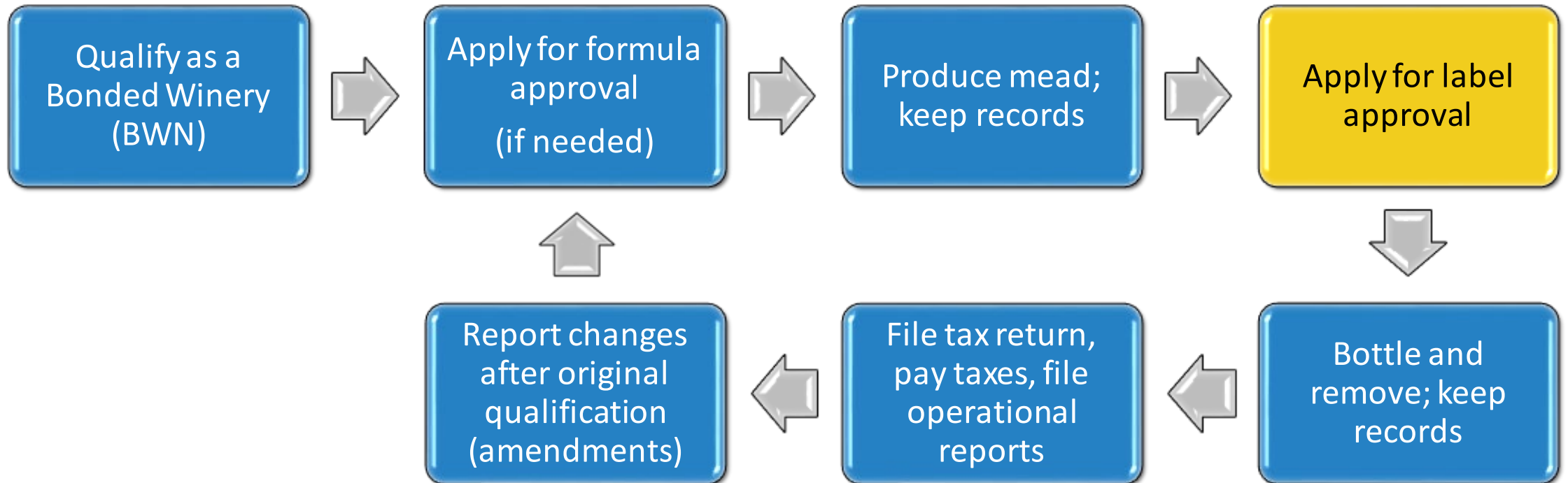
## Notice:

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.



# Typical TTB Touchpoints for Meaderies





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

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- 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



# Labeling Laws and Regulations



# Federal Labeling Laws

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

- Product is taxed as “Wine” if 0.5-24% ABV

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

- “Wine” is 7-24% ABV; and is subject to labeling regulations if introduced into interstate/foreign commerce

## **Alcohol Beverage Labeling Act (27 CFR part 16)**

- The warning statement applies to all alcohol beverages containing at least 0.5% ABV and intended for human consumption.



# Federal Labeling Laws

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## **Food, Drug and Cosmetic Act (21 CFR part 101)**

- FDA labeling regulations generally apply to mead/honey wine products under 7% ABV

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

- CBP labeling regulations generally apply to imported mead/honey wine products



# Which Labeling Laws and Regulations Apply?

1

If the alcohol content by volume is:	
0.5 to < 7%	7 to 24%
Interstate commerce?	
Yes Covered by COLA	No Covered by Cert. of Exemp.

2

3

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.	<a href="#">27 CFR part 16 - Alcoholic Beverage Health Warning Statement</a>	X	X	X
Internal Revenue Code (IRC) 26 U.S.C. Chapter 51	<a href="#">27 CFR part 24 - Wine</a> <a href="#">27 CFR part 27 - Importation of Distilled Spirits, Wines, and Beer</a>	X	X	X
Federal Alcohol Administration (FAA) Act 27 U.S.C. 201 et. seq.	<a href="#">27 CFR part 4 - Labeling and Advertising of Wine</a>		X	
Federal Food, Drug, and Cosmetic Act (FD&C Act) 21 U.S.C. 341-350	<a href="#">21 CFR part 101 – Food Labeling</a>	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 <u>minimum</u> 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 <u>minimum</u> 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



# TTB Mandatory Label Information

## Under 7% ABV

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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%

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The labels of honey wine/mead products with **under 7% ABV** must comply with applicable [FDA food labeling requirements](#), including:

- Ingredient labeling
- Nutrition labeling\*
- Allergen labeling requirements

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



# Customs Labeling Requirements

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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

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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

27 CFR 24.257 27 CFR part 16



# Mandatory Label Information

## 7% or More – Sold Interstate

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**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





# Mandatory Label Information

## 7% or More – Sold Interstate

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### **The following statements must appear:**

- Brand name
- Class, type or other designation
- Name and address of the bottler (or importer, as applicable)
- Net contents
- Alcohol content
- Government Health Warning Statement

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

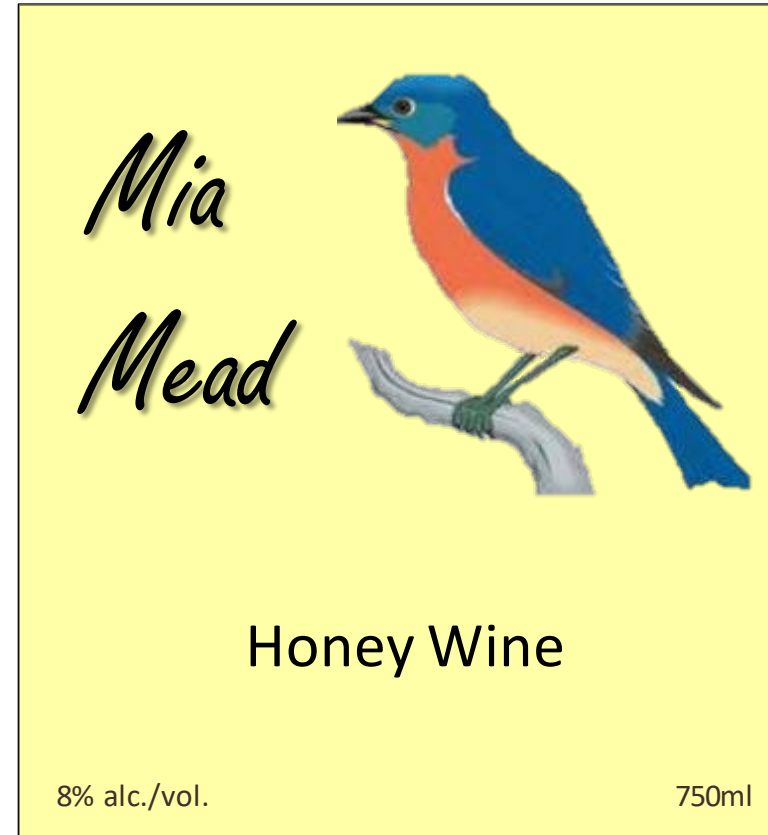
\*Brand label = label on which brand name and class/type appears



# “Mead” in the Brand Name

## 7% or More – Sold Interstate

“**Mead**” may 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/Importer**

- 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 generally 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 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

\*Authorized December 2020



# Mandatory Label Information

## 7% or More – Sold Interstate

### Alcohol Content

- May appear on any label
- “Honey Table Wine” may be used for honey wine up to 14% alcohol by volume
- 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 Sold Interstate or Intrastate

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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 C
- 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

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### 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** is an example of a specific type defined under Class 6 (TTB allows the designation 'mead' to be used in lieu of 'honey wine')  
27 CFR 4.21(f)(6)



# To be Labeled “Mead” or “Honey Wine” 7% or More – Sold Interstate

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## 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

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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:** CO<sub>2</sub> results solely from secondary fermentation within a closed container, tank, or bottle
- **Carbonated Mead:** Obtains its effervescence through the artificial injection of CO<sub>2</sub>

27 CFR 4.21(f)(6) or 4.34(a)



# What Can't be Designated Simply "Mead"?

## 7% or More – Sold Interstate

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**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

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

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Statements of composition generally 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
  - If a fanciful name is used, it must be in direct conjunction with the statement of composition on the brand label





# Mead Designations Used in the Industry

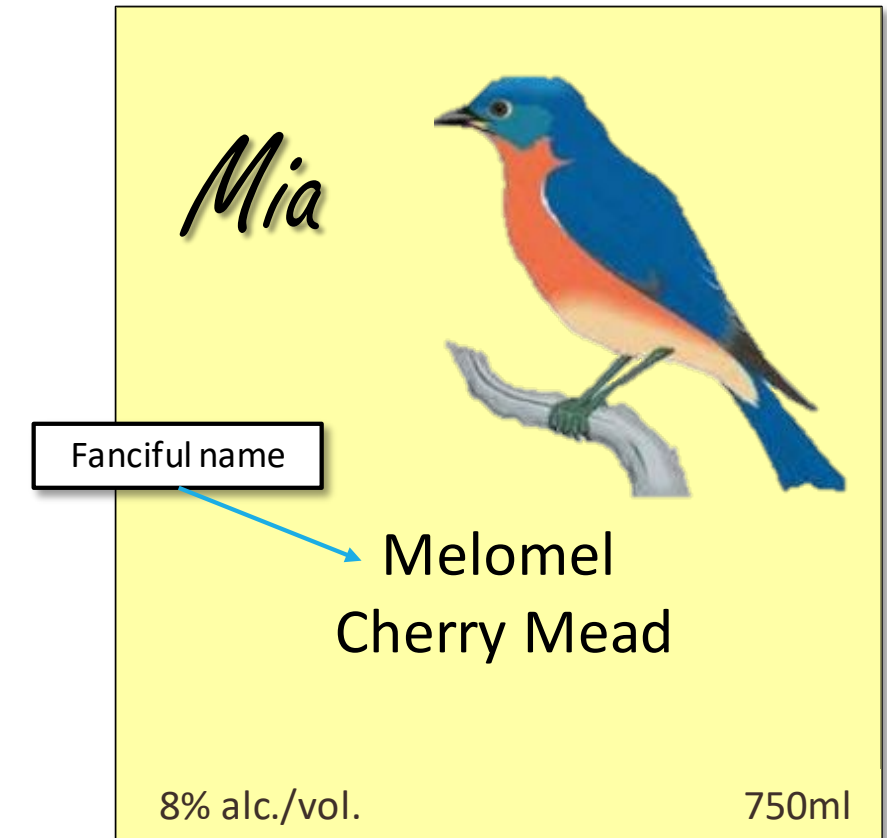
## 7% or More – Sold Interstate

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 be used in addition to the class/type statement on meads classified as **OTS/wine specialties**

- Fanciful name
- Additional information

Requires formula approval





# “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

Requires formula approval





# 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*"

- If a fanciful name is used, it must be in direct conjunction with the statement of composition on the brand label



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 blueberries and spices*"



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 added goes over the allotted amount allowed to still be labeled as a mead, then the product will require a formula and become an OTS wine.

**Does not require formula approval**



27 CFR 4.34(a) and 24.203



# Any Other Mandatory Information?

## 7% or More – Sold Interstate

### **If applicable the following information must appear:**

- Onblends 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 – Sold Interstate

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- 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 (unless standard honey wine)
  - Submit analysis with COLA

27 CFR 4.32(e)





# Any Other Mandatory Information?

## 7% or More – Sold Interstate

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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



# Appellation Of Origin

## 7% or More – Sold Interstate

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**Mead/honey wine labels may bear an appellation of origin (for example, a country, state or county) if the wine complies with the requirement for use of that appellation**

- American Viticultural Areas, which are defined as grape growing regions, may NOT be used as appellations on honey wine/mead products

27 CFR 4.25



# Orchard/Farm/Ranch Name

## 7% or More – Sold Interstate

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

or

May be used in the brand name if the company name or trade name shown in the mandatory name and address statement on the label is identical to the brand name that includes a vineyard, orchard, farm, or ranch name

27 CFR 4.39(m)



# Gluten Free

## 7% or More – Sold Interstate

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

- Wineries making such a claim are expected to verify that the producer has taken appropriate measures to ensure that its raw materials, ingredients, production facilities, storage materials, and finished products are not subject to cross-contact with gluten.

[TTB Ruling 2014-2 - Revised Interim Policy on Gluten Content Statements](#)  
[Gluten-Free Labeling of Foods on \[www.FDA.gov\]\(http://www.FDA.gov\)](#)



# Organic

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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

## 7% or More – Sold Interstate

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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)





# Misleading Impressions

## 7% or More – Sold Interstate

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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



# When is a COLA Required?

## 7% or More – Sold Interstate

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- 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

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- 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 **is not to 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”

Please take few minutes to provide feedback on this session:

<https://www.ttb.gov/survey>





TTB Resources



# TTB Wine Contacts

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<b>National Revenue Center (NRC) – Permits, Taxes, Reports</b>	
<b>Telephone</b>	Toll-free at <a href="tel:877-882-3277">877-TTB-FAQS (877-882-3277)</a>
<b>Address</b>	National Revenue Center 550 Main Street, Suite 8002 Cincinnati, Ohio 45202
<b>Email</b>	<a href="#">National Revenue Center Contact Form</a>



# TTB Wine Contacts

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





# Resources on TTB.gov

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## 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

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## 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

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## 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/afd/alcohol-beverages-labeled-with-organic-claims>
- Current Processing Times for Label Applications
  - <https://www.ttb.gov/labeling/processing-times>



# Resources

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## 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>





# Resources

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## 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>





# Resources

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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>





# Resources

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## 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>