



To All Wine Institute Members:

TTB issued Industry Circular 2011-4 on April 29, 2011. In that Circular, TTB declares that TTB will not be reviewing image clarity and type size requirements when it issues future Certificates of Label Approval. TTB claims that this will make the approval process more expeditious while at the same time maximize the efficacy of TTB's limited resources. All COLAs issued after April 29 will carry the following disclaimer:

TTB has not reviewed this label for type size, characters per inch or contrasting background. The responsible industry member must continue to ensure that the mandatory information on the actual labels is displayed in the correct type size, number of characters per inch, and on a contrasting background in accordance with the TTB labeling regulations, 27 CFR parts 4, 5, 7, and 16, as applicable.

Label approval requests received by TTB are well ahead of last year, and TTB's available personnel and resources have not been able to keep up with the increased applications. As a result, even COLAS ONLINE approval times have been getting longer. In order to address the processing time delays and to provide more expeditious service, TTB has decided to reduce the number and type of label elements that it will review.

As with all reductions in service, the news for member wineries is mixed. The good news is that by not reviewing for characters per inch (cpi), type size, and contrasting background, the COLA approval process should take less time. I know that some of you have been frustrated with the ever-increasing waiting periods for TTB to approve your COLAs. Yet along with the faster COLA processing times that will be realized by this latest TTB announcement comes additional winery risks. Since TTB will not be reviewing your label for type size, cpi and contrasting background at the COLA stage, wineries will be held responsible for such violations in the consumer marketplace. Shifting the risk and the point of enforcement to the consumer market may also mean that the consequences for noncompliance may be more severe. Unlike the consequences faced now for a rejected COLA, which is usually the cost and time for resubmission of a corrected label, a wine label found in the marketplace with a noncompliant label may face a broader range of enforcement exposure than simply a rejected or rescinded COLA, such as fines, product relabeling and product recall. Wineries shouldn't panic (yet), however. While the more severe options of recall and relabeling have always been available to TTB, these enforcement tools would probably be used sparingly for type size, cpi, and contrasting background violations, and TTB will look at all violations on a case-by-case basis.

TTB's declaration places wineries on notice that the burden of compliance shifts to them. Wineries will no longer be able to rely on TTB to review and correct certain improper labels at the label approval stage, at least for type size, cpi and contrasting background.

#### KNOW YOUR TYPE SIZE REQUIREMENTS:

We thought we should summarize the type size and cpi requirements for all mandatory label information so that you can refer to this document when developing and internally reviewing your own labels.

TTB label regulations make distinctions based first on container size, but container size and related type size requirements are not always consistent. TTB's standard of fill regulations authorize specific metric sizes. 27 CFR 4.72. For wine, the smaller container sizes begin at 50 ml, then 100 ml, 187 ml, and then 375 ml. For most mandatory wine label information, regulations prescribe one set of type size requirements for containers up to 187 ml, and another set of type size requirements for containers larger than 187 ml. Government Warning regulations have three levels of type size and additional cpi provisions. Government Warning regulations have separate requirements (a) for containers smaller than 237 ml, (b) for containers from 237 ml up to 3 liters, and (c) for containers 3 liters and larger. Wine fill standards do not authorize a 237 ml container size, so for wine, we can still provide three tables with three different sets of type size requirements.

## Type Size Requirements for Wine Mandatory Label Information For Containers Up To 187 ml

| Mandatory Label Information   | Required Type Size  |
|---|---|
| <ul style="list-style-type: none"> <li>• Brand name</li> <li>• Class, type or other designation</li> <li>• Name and Address</li> <li>• Net Contents</li> <li>• FTC Yellow Dye #5</li> <li>• Sulfites Declaration</li> </ul> | <p>For containers up to 187 ml, this set of mandatory label information must be in script, type, or printing not smaller than 1 millimeter, unless contained among other descriptive or explanatory information, in which case the script, type, or printing of the mandatory information must be of a size substantially more conspicuous than that of the descriptive or explanatory information. 27 CFR 4.38 (b)</p>   |
| <ul style="list-style-type: none"> <li>• Alcohol Content Statement</li> </ul>   | <p>Alcoholic content statements must meet minimum and maximum size requirements. Alcoholic content statements must not appear in script, type, or printing larger or more conspicuous than 3 millimeters nor smaller than 1 millimeter on labels of containers having a capacity of 5 liters or less. 27 CFR 4.28 (b) (3).</p>  |
| <ul style="list-style-type: none"> <li>• Government Warning Statement</li> </ul>  | <p>Government warning statements must be readily legible and on contrasting background. The first two words of the statement, i.e., "GOVERNMENT WARNING," shall appear in capital letters and in bold type. The remainder of the warning statement may not appear in bold type. Regulations require that for containers of 237 milliliters (8 fl. oz.) or less, the Government Warning must be in script, type, or printing not smaller than 1 millimeter, with a maximum of 40 characters per inch.</p> <p>27 CFR 16.22.</p> |

## Type Size Requirements for Wine Mandatory Label Information For Containers Larger than 187 ml To 3 Liters

| Mandatory Label Information   | Required Type Size   |
|---|--|
| <ul style="list-style-type: none"> <li>• Brand name</li> <li>• Class, type or other designation</li> <li>• Name and Address</li> <li>• Net Contents</li> <li>• FTC Yellow Dye #5</li> <li>• Sulfites Declaration</li> </ul> | <p>For containers larger than 187 ml, this set of mandatory label information must be in script, type, or printing not smaller than 2 millimeters, unless contained among other descriptive or explanatory information, in which case the script, type, or printing of the mandatory information must be of a size substantially more conspicuous than that of the descriptive or explanatory information. 27 CFR 4.38 (b).</p>  |
| <ul style="list-style-type: none"> <li>• Alcohol Content Statement</li> </ul>   | <p>Alcoholic content statements must meet minimum and maximum size requirements. Alcoholic content statements must not appear in script, type, or printing larger or more conspicuous than 3 millimeters nor smaller than 1 millimeter on labels of containers having a capacity of 5 liters or less. 27 CFR 4.28 (b) (3).</p>   |
| <ul style="list-style-type: none"> <li>• Government Warning Statement</li> </ul>  | <p>Government warning statements must be readily legible and on contrasting background. The first two words of the statement, i.e., "GOVERNMENT WARNING," shall appear in capital letters and in bold type. The remainder of the warning statement may not appear in bold type.</p> <ul style="list-style-type: none"> <li>• Regulations require that for containers of more than 237 milliliters (8 fl. oz.) up to 3 liters (101 fl. oz.), the Government Warning must be in script, type, or printing not smaller than 2 millimeters, with a maximum of 25 characters per inch.</li> </ul> <p>27 CFR 16.22</p> |

## Type Size Requirements for Wine Mandatory Label Information For Containers Larger 3 Liters

| Mandatory Label Information   | Required Type Size  |
|---|---|
| <ul style="list-style-type: none"> <li>• Brand name</li> <li>• Class, type or other designation</li> <li>• Name and Address</li> <li>• Net Contents</li> <li>• FTC Yellow Dye #5</li> <li>• Sulfites Declaration</li> </ul> | <p>For containers larger than 187 ml, this set of mandatory label information must be in script, type, or printing not smaller than 2 millimeters, unless contained among other descriptive or explanatory information, in which case the script, type, or printing of the mandatory information must be of a size substantially more conspicuous than that of the descriptive or explanatory information. 27 CFR 4.38 (b).</p>   |
| <ul style="list-style-type: none"> <li>• Alcohol Content Statement</li> </ul>   | <p>Alcoholic content statements must meet minimum and maximum size requirements. Alcoholic content statements must not appear in script, type, or printing larger or more conspicuous than 3 millimeters nor smaller than 1 millimeter on labels of containers having a capacity of 5 liters or less. 27 CFR 4.28 (b) (3).</p>  |
| <ul style="list-style-type: none"> <li>• Government Warning Statement</li> </ul>  | <p>Government warning statements must be readily legible and on contrasting background. The first two words of the statement, i.e., "GOVERNMENT WARNING," shall appear in capital letters and in bold type. The remainder of the warning statement may not appear in bold type.</p> <ul style="list-style-type: none"> <li>• Regulations require that for containers of more than 3 liters (101 fl. oz.), the Government Warning must be in script, type, or printing not smaller than 3 millimeters, with a maximum of 12 characters per inch.</li> </ul> <p>27 CFR 16.22.</p> |

Finally, TTB's announcement does not eliminate your requirement to submit a COLA application when you need to do so. It also does not mean that wineries can arbitrarily change type size, font, cpi, and background of an approved label without getting a new COLA. Wineries should familiarize themselves with the allowable revisions for an already approved label. There may be instances when you don't need to submit a new COLA application at all. A table of these "allowable revisions" are found on page 3 of the current COLA application form (TTB F 5100.31). We summarize those "allowable revisions" below.

**Most Common Allowable Revisions to Approved Wine Labels  
Please Refer to Page 3 of TTB Form 5100.31 for the complete list**

| Revision  | Allowable? | Comments  |
|---|------------|---|
| Delete any non-mandatory label information                                    | Yes        | Includes words, text, illustrations, graphics, etc. So if you're removing non-mandatory label information, you don't need to resubmit a COLA application. Note, however, that relocating label information, especially mandatory label information, may still require a new COLA application. |
| Change the shape or proportionate size of labels                              | Yes        | e.g. Change in size and shape of a bottle designed for a tall 3 liter bottle to fit a short, flat 500 ml bottle. Note, however, that type size requirements still apply, so changing a label proportionally doesn't mean type size can drop below required size.                              |
| Change the net contents statement   | Yes        | Change the net content statement, except that separate COLA applications must be submitted for containers of 237 ml or less, 237 ml to 3 liters, and over 3 liters to conform to Government Warning regulations.  |
| Change the stated alcohol content   | Yes        | Alcohol content can change from year to year without submitting another COLA application, but only if the change does not alter (a) class and type, or "(b) taxable grade.  |
| Add, change or delete state bottle deposit information                        | Yes        |   |
| Change the name and/or tradename of responsible winery                        | Yes        | The name/tradename must appear on the Basic Permit under which the COLA is issued   |
| Change the stated mandatory amounts of sugar at harvest and/or residual sugar | Yes        | See ATF Ruling 82-4 to determine when sugar statements are mandatory. Usually applies to "Late Harvest" or "Ice Wine" labels.   |
| Change or delete stated vintage date  | Yes        | If vintage date is deleted, no reference to "Vintage" may be made on any label or other materials (e.g., caps, celoseals, corks, etc.) affixed to the bottle.   |
| Add, delete, or change the name and/or address or                             | Yes        | You may add this information by adding another label stating such information provided that no reference is made on the additional label to the   |

|  |     |   |
|--|-----|---|
| trademark (or both) of the wholesaler, retailer, or persons for whom the product is imported or bottled. |     | product or any of its characteristics.  |
| Change or delete stated bottling date.   | Yes |   |
| Change or delete stated amount of acid and/or pH level   | Yes |   |
| Add or delete bonded winery number   | Yes | Bonded Winery Number must appear in direct conjunction the bottler's name and address |
| Add, delete, or change UPC code  | Yes | Addition or change of UPC Code must be in compliance with TTB Industry Circular 77-23 |
| Add, delete, or change a web site address, phone number, fax number, or zip code                         | Yes |   |
| Change or delete a lot or batch identification number or other serial numbers                            | Yes |   |
| Add, delete, or change trademark and/or copyright symbols, i.e., TM, © , ®                               | Yes |   |

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For any questions about label approval or TTB's Industry Circular, please do not hesitate to contact Susan Gregory, Wine Institute's Federal Compliance Program Manager, at (202) 408-0870, [sgregory@wineinstitute.org](mailto:sgregory@wineinstitute.org), or Wendell Lee at (415) 356-7534, [wlee@wineinstitute.org](mailto:wlee@wineinstitute.org).