



# INDUSTRY CIRCULAR

DEPARTMENT OF  
THE TREASURY

Bureau of Alcohol, Tobacco and Firearms  
Washington, D.C. 20226

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## QUESTIONS AND ANSWERS REGARDING INGREDIENT LABELING

Bonded Winery Permittees, Brewers, Distilled Spirits  
Plant Proprietors, Importers and Others Concerned:

Purpose: The purpose of this circular is to advise industry members of the Bureau's positions on a number of interpretative questions raised in connection with the new ingredient labeling regulations. Following the publication of T.D. ATF-66 (45 FR 40538, June 13, 1980), many questions have been raised concerning application of these regulations to specific types of ingredient labeling and common factual situations.

Instead of answering each inquiry separately, the Bureau believes that the best course of action is to collectively group the inquiries and state the Bureau's position on each issue. In addition, Bureau personnel submitted possible questions which might arise at a later date.

The Bureau further believes that this circular will provide a source of interpretative guidelines for industry to follow and should reduce the number of inquiries on the same or similar issues.

Policy questions and answers read as follows:

Question 1 If an additive (flavor) contains synthetic topnotes (less than .1 percent) will it be labeled as "natural" or "natural and artificial"?

Answer 1 With synthetic topnotes, a flavor will be labeled by the term "natural and artificial."

Question 2 When wine is added to distilled spirits, at or less than 2 1/2 percent by volume as a flavoring or coloring additive, must it be labeled by its individual ingredients?

Answer 2 No. If the function of the wine is to flavor or color it will be labeled as such.

**Question 3** When wine is added in an amount up to 15 percent in flavored brandies will it qualify as a flavoring and may it be labeled as such?

**Answer 3** No. Quantities exceeding 2 1/2 percent must be disclosed by their individual ingredients.

**Question 4** When wine is used in a liqueur or specialty, will it be labeled as "wine" or by its individual ingredients?

**Answer 4** The use of the term "wine" is unacceptable as an ingredient. The wine must be broken down and disclosed by its ingredients, unless it is 2 1/2 percent or less as described in Answer 2.

**Question 5** Can sugar refer to all sweeteners or must the type or form of sugar be listed (dextrose, levulose, or fructose)?

**Answer 5** For the purpose of ingredient labeling, the general term "sugar" may apply to the various sweeteners.

**Question 6** When must sugar appear as an ingredient in wine?

**Answer 6** If the amount of sugar added for the purpose of adjusting for natural deficiencies does not exceed the amount normally found in that essential component, it need not be listed. However, when sugar is added to adjust for natural deficiencies in a wine, it must be the same form of sugar that is found naturally in the grape, or sugar must be listed.

**Question 7** How will essential components of neutral citrus residue brandy (NCRB) be listed?

**Answer 7** The essential components of NCRB would fall within the definition of a derivative of the basic agricultural product. Therefore, they may be disclosed by their agricultural name.

Question 8 How will enzymes be labeled?

Answer 8 If the enzyme is formed during the malting process it need not be listed. However, if the enzyme is added by the manufacturer it will be required to be disclosed on the label as an additive, and further, must be identified by its common and usual name.

Question 9 On products not requiring a mandatory statement of composition, but one appears by choice of the proprietor, can he also use the optional ingredient statement?

Answer 9 Where the proprietor places a statement of composition on a product not required by regulations to bear such a statement, a full list of ingredients must appear on the container, since such a statement of composition purports to be an ingredient list. In this case, the proprietor is not permitted to use the optional ingredient statement. However, on products requiring a mandatory coloring statement, the proprietor may use the optional ingredient statement and the coloring statement need not appear in direct conjunction.

Question 10 When an additive is used whose primary function is to flavor, but also imparts color to the finished product, will the additive be labeled as a flavor, color, or both?

Answer 10 It will be the responsibility of the proprietor to determine the intended function of the additive. If the additive has a two-fold function, that is, to flavor and to color, it will be disclosed accordingly.

Question 11 If "natural flavors" and "natural and artificial flavors" are added to a given product, must they be identified individually?

Answer 11 No. On products containing an all natural flavor, the label will read "natural flavor." When flavors are both "natural"

and "natural and artificial", the label may read "natural and artificial flavors."

Question 12 Is the ingredient list required to appear on advertising gift cartons?

Answer 12 The ingredient information (list or optional ingredient statement) is not required to appear on gift cartons unless such cartons cannot easily be opened or are sealed with an opaque covering.

Question 13 What determines whether an ingredient must be disclosed or would be considered incidental, and, therefore, not disclosed?

Answer 13 All ingredients (essential components and additives) will be disclosed unless a proprietor determines that an additive meets one of the criteria under the definition of incidental.

Question 14 If an intermediate product contains sulfur dioxide, must the sulfur dioxide appear in the ingredient list of the finished product?

Answer 14 Yes. Although the amount of sulfur dioxide in the alcoholic or nonalcoholic intermediate product may not be in sufficient quantity to preserve the finished product, all additives whose function is to preserve, color, or flavor must appear in the ingredient list. If more sulfur dioxide is added to the finished product it need not be listed a second time, however, if another preservative other than sulfur dioxide is added it must appear in the ingredient list.

Question 15 Many beer labels state "brewed from the finest cereal grains, choicest hops, yeast and water." Can this continue?

Answer 15 Yes. But, since this purports to be an ingredient list, the actual ingredient

list must also appear on the container, and the optional ingredient statement is not acceptable as an alternative to labeling the ingredients in this case. Furthermore, the ingredient list may not contain adjectives such as "finest" or "choicest" to describe the ingredients.

Question 16 If one elects for the optional ingredient statement and the full mailing address (including zip code) is listed in the bottler/importer block, must it be repeated again immediately following the optional statement?

Answer 16 No. The full mailing address (including zip code) where the ingredient information is available need appear only once on the container.

Question 17 Do all shipments of imported alcoholic beverages bottled on or before December 31, 1982, require the certified list of ingredients if released on or after January 1, 1983?

Answer 17 No. Shipments bottled before the mandatory compliance date and released from Customs custody after such date can be released without the certified list of ingredients if:

1. the shipment is accompanied by a certificate of bottling date, certifying that the product was bottled before January 1, 1983; or,

2. the shipment was entered into Customs Bonded Warehouse or foreign trade zone on or before December 31, 1982.

Question 18 Must a certified copy of the ingredient list accompany each import?

Answer 18 No. Only one copy of the certified list of ingredients need be furnished at the

time of filing the Form 1649 or Supplemental. To effectuate the release from Customs an importer need only have an approved Form 1649 and Form 1649 Supplemental for the product. For imported beverages in bulk, the certified list of ingredients is not necessary for release from Customs, but must accompany the application for label approval submitted by the American bottler.

Question 19 What foreign official would be considered as authorized to certify the ingredient list?

Answer 19 A government employee who is officially authorized to perform that function.

Question 20 Can the consumer letter contain advertising matter?

Answer 20 Yes, as long as the ingredient list is included and any advertising matter shown must be separate and apart.

Question 21 Does the use of water corrective additives in water treatments that precede the brewing process need to be listed as an ingredient?

Answer 21 No. Normally the use of water corrective additives, such as Burton salts, would be considered incidental.

Question 22 Can the phrase "100% grape juice" be stated in lieu of the ingredient list?

Answer 22 No. Since the phrase "100% grape juice" would be considered puffery, it may not appear in, or in lieu of the ingredient list.

Question 23 Will conforming changes to regulations in Parts 19, 231, 240, 245, 250, and 251 be made?

Answer 23 Since the labeling sections found in these parts merely require conformity with Parts 4, 5, and 7, conforming changes will not be made.

Question 24 How will ATF regulate bulk transfers of alcoholic beverages since the ingredient labeling regulations involve consumer packages entered into interstate commerce?

Answer 24 ATF would hold that it is the responsibility of the industry member to have and/or obtain sufficient information so as to be able to label the products in conformity with Parts 4, 5, or 7. The use of ATF forms, such as Forms 5110.27, 703, 5110.45, and 2035 could accomplish this end by including a list of ingredients.

Question 25 Can the ingredient list or the optional ingredient statement be overprinted on a strip stamp or alternative device?

Answer 25 The optional ingredient statement may appear on an alternative device provided it appears on the front of the bottle, in line with the brand label. It may not be overprinted on a strip stamp. The ingredient list may not be overprinted on a strip stamp, but may appear on an alternative device if the mandatory information is not obscured.

Question 26 If imported alcoholic beverages in bulk, or in approved containers, are processed in more than one foreign country, which country will issue the certificate?

Answer 26 For bottled goods, the country in which the alcoholic beverage was bottled or packed will certify as to the accuracy of the ingredient list. For bulk goods, the country in which processing last occurred prior to entry into U.S. Customs custody will issue the certificate. The term "processing" includes, but is not limited to; the addition of water, filtering and other manufacturing steps.

Question 27 How soon must a producer, bottler or importer respond to a consumer request for ingredient information?

Answer 27 While the regulations do not impose a specific time period, the Bureau would consider a response within 30 days to be "timely."

Question 28 In the production of wine, if a sodium ion exchange treatment is used to remove potassium, must the sodium that is exchanged be disclosed for ingredient labeling purposes?

Answer 28 Yes. The sodium that is added to the wine would be considered as an additive since it preserves and would have an effect on the finished wine.

Question 29 How will yeast be labeled?

Answer 29 As with enzymes, if the yeast for the fermentation is the yeast found naturally on an essential component, such as grapes, and no other yeast is added, then yeast need not appear in the ingredient list. If any yeast is added, then it must appear in the ingredient list.

Question 30 If corn syrup is used in the production of alcoholic beverages, how may it be labeled?

Answer 30 Corn syrup may be labeled by its common and usual name, or it may be labeled by its individual ingredients, such as corn, papain, and sulfur dioxide.

Inquiries. Inquiries concerning this circular should refer to its number and be addressed to the Assistant Director (Regulatory Enforcement), Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226.

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Director