

Alcohol and Tobacco Tax and Trade Bureau
Advertising, Labeling and Formulation Division

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Industry News

Flavored Malt Beverages with Flavors Containing Alcohol

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Providing Ranges on Formulas and How They will be Calculated

In 27 CFR 7.11 and 27 CFR 25.15(b), TTB regulations require malt beverages to derive no more than 49 percent of the alcohol from nonbeverage ingredients, such as flavors, for products that contain six percent alcohol by volume, or up to 1.5 percent of the total volume for malt beverage that contain more than six percent alcohol by volume.

TTB has learned of several cases where brewers have produced flavored malt beverages that are not in compliance with the above regulations.

TTB's Calculations and Commodity Determination

In an effort to provide flexibility, formulas may contain ranges for various ingredients; however, those ranges must be in compliance with the above regulations. Submitters must ensure that the appropriate amount of alcohol contributed by the flavors is compliant. Currently, TTB allows brewers to provide a written statement of validation that the finished product will be in compliance with the regulations, even if the ranges given are broad enough to produce on paper a product that is at risk of being out of compliance.

In order to better assure compliance with 27 CFR 7.11 and 27 CFR 25.15(b) effective immediately during TTB analytical review of formula submissions, the highest range will be calculated by the Formula Specialist. If the calculation indicates that the product is at risk of exceeding the regulatory limits, the product will be classified as a Distilled Spirit Specialty and returned to the submitter. Products that exceed the regulatory limits are not flavored malt beverages; they are indeed distilled spirits products and must be classified as such.

In addition to providing a statement of validation that the product will be in compliance with 27 CFR 7.11 and 25.15(b), the ranges must be consistent with that statement.

[Where can I find more information?](#)

More information can be obtained by emailing us at alfd@ttb.gov or by phone at 1-866-927-ALFD (2533) Option #4