



INDUSTRY ADVISORY

Beer Brand Registration

Effective January 1, 2016, Assembly Bill 893 amends, adds and repeals several provisions of the ABC Act (Business and Professions Code sections 25200, 25201 and 25204) regarding beer labeling requirements. This Advisory summarizes the key provisions of the new and amended laws.

(Note: This is intended to be a summary only. Licensees are cautioned to review the new sections in their entirety for a complete understanding of the requirements.)

Business and Professions Code section 25200 no longer requires beer manufacturers and certificate of compliance holders to furnish labels of beer containers to the Department for its review and filing. Every beer manufacturer, before the first sale of a brand of beer in this state, must register the brand of beer with the Department. The ABC-412, Malt Beverage Label Filing Application form has been amended and is now titled Beer Brand Registration. A copy of the new ABC-412, Beer Brand Registration form is attached to this advisory. In addition, the form is now available for download on the Department's website, www.abc.ca.gov.

Key provisions of Section 25200:

1. Each label shall meet the requirements of federal malt beverage labeling regulations contained in Parts 7 and 16 of Title 27 of the Code of Federal Regulations, regardless of whether the label is subject to approval by the federal Alcohol and Tobacco Tax and Trade Bureau or any successor agency.
2. In addition to the federal label requirements, the following information shall appear on the label:
 - The brand, and class or type, of beer
 - The true and correct name and address of the manufacturer of the beer. For purposes of this provision, if multiple beer manufacturers are involved in the production of the beer pursuant to a joint venture or other collaborative agreement, each of those manufacturers **may** be identified on the label.
 - The true and correct name of the bottler of the beer, if other than the manufacturer.
 - A statement of alcoholic content if the beer contains more than 5.7 percent alcohol by volume.
3. Beer brand registration shall include the following:
 - The true name and address of the actual manufacturer of the beer.
 - Any fictitious business name of the manufacturer under which the beer is manufactured.

- The class or type of beer and all brand names under which the beer is to be sold in this state.
- If manufactured under contract for another beer manufacturer or other person, the true name of such other beer manufacturer or person.
- If manufactured pursuant to a joint venture or other collaborative arrangement, the name and address of all manufacturers involved in the joint venture or other collaborative arrangement.

Although Business and Professions Code section 25201 is new, the law has not changed. Previous Business and Professions Code section 25200, subdivisions (b) and (c) have simply been moved and placed into section 25201.

Although Business and Professions Code section 25204 has been repealed, its provisions are now incorporated into section 25200.

The manufacturer of the beer shall be responsible for compliance with the requirements of section 25200. In the case of beer manufactured pursuant to a joint venture or other collaborative arrangement, only the actual manufacturer of the beer need comply. With respect to beer produced outside this state and imported into this state, the certificate of compliance holder may act as the agent of the beer manufacturer in complying with this section.

Any beer manufacturer or certificate of compliance holder that needs to register their beer label with the Department starting on January 1, 2016 shall complete an ABC-412 and send it to the Department. This form may be sent via:

- Email to beerbrandregistration@abc.ca.gov
- FAX to (916) 928-7625
- Mail to the Trade Enforcement Unit at 3927 Lennane Drive, Suite 100, Sacramento, CA 95834

The Department will process all malt beverage label filing applications received by December 31, 2015. There is no need to register those beer brands that currently have accepted labels on file with the Department as we will retain all previously submitted labels that have been accepted for filing. Beginning January 1, 2016, any licensee that submits a Malt Beverage Label Filing Application form and copies of labels will have their submissions returned to them and will need to re-submit the beer brands on the new ABC-412 Beer Brand Registration form.

The Department will not send a response to beer brand registration submissions. Licensees are encouraged to keep a copy of their beer brand registration submissions for their records.

Licensees may now submit malt beverage price schedules and territorial agreements simultaneously with beer brand registration submissions.

Questions concerning the new beer brand registration process should be directed to the Beer Brand Registration/Price Posting Unit at (916) 419-2571.