

The Compliance Corner

By Mary Beth Williams

To COLA or not to COLA

While not difficult, keeping COLAs updated is just one more thing that needs to be done. Keeping the information on the COLA current is important, but there are a number of changes that can be made to products without needing to update your COLAs. Here are some of the common changes wineries make that **DON'T** require a new COLA:

1. Deleting or changing any non-mandatory information, unless that change makes the product appear different enough that it might confuse a consumer.
2. Changing from 2 labels to 1 wraparound label or vice versa, provided all the mandatory information stays the same.
3. When you change the stated percentages for varietals in the wine. If your red wine blend last year was 40% cabernet franc, 35% chambourcin, and 25% cabernet sauvignon, and this year its 30% cabernet franc, 10% chambourcin, and 60% cabernet sauvignon, you don't need to update your COLA. NOTE, however, that the percentages always need to equal 100%, so all the different varietals need to be accounted for.
4. If the alcohol content changed from that listed in prior years, provided that the wine remains in the same tax class and remains the same type of wine (ie. Hasn't changed from a table wine to a dessert wine.) Remember too that there is an acceptable tolerance within a tax class, meaning that if your wine tests at an alcohol content within the tolerance level from that stated on your label, it's permissible. For wines with an alcohol percentage of less than 14%, the tolerance is 1.5%; for wines above 14%, the tolerance is 1%. Remember though that there is ZERO tolerance across tax classes, so if your label says Alc. 14% by volume and a test show it to be 14.1%, you're in trouble.
5. When you make a size change on a product, meaning your COLA is for a 750 and now you want to do a 375 as well. NOTE, however, that while TTB doesn't require a new COLA, some states have size-specific product registration, and you'll need a new COLA as well as a new label for the new size bottle.
6. Changing or deleting the vintage date. NOTE, however, that if you didn't have a vintage on your original COLA and want to add one, you will need a new COLA.
7. Adding, deleting, or changing a UPC code or other serial number.

8. When you add, delete, or change a website address, telephone number, zip code, or email address.

Most importantly, remember to get your COLAs before you bottle. Happy bottling, and stop and see us at Wineries Unlimited. We'd love to meet you face to face.

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