

The Compliance Corner

By Mary Beth Williams

Fewer COLAs in your future

Often a winery will make changes to its labels throughout the life of the product. This used to cause issues for wineries, as many of these small changes would necessitate the winery applying for a whole new COLA, and waiting for approval before they could sell any product. The exceptions to this rule were pretty limited. As of July 1, 2012, there are a number of additional changes that can be made to labels without needing to apply for a new federal Certificate of Label Approval (COLA).

The changes with the greatest impact on Virginia wineries are summarized here. The following are new changes you can make to your labels WITHOUT needing to apply for a new COLA:

- 1) Add, delete, or change the vintage of your wine. It was previously allowed to change or delete vintage without a new COLA, but now you can go from a non-vintage product to a vintage product as well.
- 2) Reposition any label information, change the color of text or background, shape of the label, text and font. You can also go from an adhesive label to an etched label without additional approval.
- 3) Add, delete, or change UPC codes, QR codes, and other 2D mobile bar codes.
- 4) Add, delete, or change company logos and social media icons, websites, and other basic company information.
- 5) Add, delete, or change optional information about awards or medals.
- 6) Add, delete, or change holiday and/or seasonal themed graphics, artwork, or greetings. Essentially, you could put out a special version of your label for Thanksgiving, Christmas, Hanukkah, or even St. Patrick's Day, if you felt so inclined.

All your mandatory information and size requirements for labels still exist, and you're still obligated to comply with the limitations on labeling that currently exist (including false claims, intimations of the use of spirits, lewd or vulgar language or graphics, etc.). These changes should give wineries a bit more flexibility to update their labels without having to go through the process of getting a new COLA for each change. The full list of acceptable changes can be found [here](#), along with a couple of examples of the now-acceptable changes to make it a bit easier to understand. It should be noted that we're still waiting for feedback from the states as to whether they'll allow registration of the products in their states when the label and COLA do not match. There are currently a number of states that will not register products for sale unless the label submitted exactly matches the COLA. It is possible that if you plan to sell your products in those states, you'll still need to get a new COLA in order to be able to pass their brand registration process. Just because TTB says you don't HAVE to apply for a new COLA doesn't mean you

CAN'T, and some states may stick to their guns on this issue. We'll be sure to let you know as we get additional information on this issue.

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