

April 8, 2015

Geoffrey T. Deen

**RE: Nutrition Label Requirements**

Dear Mr. Deen:

ISSUE: This office is in receipt of your e-mail correspondence of March 3, 2015, wherein you state that you are preparing to launch hard cider with an alcohol content of below seven percent (7.0%). You inquire if a nutrition label is required.

Pennsylvania Liquor Control Board (“Board”) records indicate that Bavarian Kindgom LLC t/a Hardball Cider, holds Limited Winery License No. LK-409 (LID 69338) for the premises located at 805 Orchard Road, Mount Bethel, Pennsylvania.

OPINION: Please be advised that section 102 of the Liquor Code defines the term “alcoholic cider” as follows:

. . . a beverage which may contain carbonation in an amount not to exceed three hundred ninety-two one thousandths of a gram per one hundred milliliters and flavors, produced through alcoholic fermentation of any fruit or fruit juice, consisting of at least one-half of one per centum, *but not greater than five and one-half per centum, alcohol by volume and sold or offered for sale as alcoholic cider and not as a wine, a wine product or as a substitute for wine*, in bottles, cases, kegs, cans or other suitable containers of the type used for the sale of malt or brewed beverages in this Commonwealth.

[47 P.S. § 1-102].

Accordingly, the qualification of your product as a cider or as a wine will be dependent upon its percentage of alcohol, and how the product is offered for sale.

Please be advised that the Liquor Code or Board’s Regulations do not address alcoholic cider or wine label requirements. However, be advised that there are federal labeling requirements, as required by the Alcohol and Tobacco Tax and Trade Bureau (“TTB”) to which you must adhere. Further, any interpretation of the Code of Federal Regulations

("CFR") would be made by the TTB. As such, you may wish to contact the TTB at [www.ttb.gov](http://www.ttb.gov) for more information.

If you have any further questions or concerns regarding the Liquor Code or the Board's Regulations, please do not hesitate to again contact this office.

THIS OPINION APPLIES ONLY TO THE FACTUAL SITUATION DESCRIBED HEREIN AND DOES NOT INSULATE THE LICENSEE OR OTHERS FROM CONSEQUENCES OF CONDUCT OCCURRING PRIOR TO ITS ISSUANCE. THE PROPRIETY OF THE PROPOSED CONDUCT HAS BEEN ADDRESSED ONLY UNDER THE LIQUOR CODE AND REGULATIONS. THE LAWS AND POLICIES ON WHICH THIS OPINION IS BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE PENNSYLVANIA LIQUOR CONTROL BOARD.

Very truly yours,

FAITH S. DIEHL  
CHIEF COUNSEL

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement  
Jerry W. Waters, Director of Office of Regulatory Affairs  
Tisha Albert, Director, Bureau of Licensing  
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

LCB Advisory Opinion No. 15-132