

## Understanding AB 893 (Stone) Beer Brand Registration

*AB 893 (Stone) was sponsored by the California Craft Brewers Association and signed by the Governor in October 2015. This bill will eliminate the requirement by the ABC to receive label "approval" from the Department prior to selling any beer brand. Requires a beer manufacturer to register the brand with the ABC prior to sale.*

**All provisions of this bill take effect January 1<sup>st</sup> 2016**

**Eliminates ABC Label Approval – Replaces it with Beer Brand Registration**

### **Summary:**

This bill eliminates the requirement for breweries to send in a beer label to the ABC for its review and approval. Every beer manufacturer, before the first sale of a brand of beer in this state, must now only register the brand of beer with the Department. There will be no acknowledgement or receipt of your registration by the ABC. As soon as you send the ABC-412 form in, you are allowed to sell that brand. The **ABC-412**, Malt Beverage Label Filing Application form has been amended and is now titled **Beer Brand Registration**.

The new law takes effect January 1<sup>st</sup>, 2016

### **Provisions:**

The bill also imposes the following conditions on the beer manufacturer:

- 1) Each label is still subject to approval by the federal Alcohol and Tobacco Tax and Trade Bureau.
- 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 ABV.
- 3) **Beer Brand Registration shall include the following information:**
  - 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.

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- 4) The manufacturer of the beer is responsible for complying with the new requirements of the Beer Brand Registration.

Don't Forget:

- 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.
- There is **no need to register those beer brands that currently have accepted labels on file** with the Department.
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### AB 893 Code Section:

#### SECTION 1.

Section 25200 of the Business and Professions Code is repealed.

#### SEC. 2.

Section 25200 is added to the Business and Professions Code, to read:

##### **25200.**

(a) A package or sealed container of beer shall not be sold in this state without having a label affixed to such package or container. The 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.

(b) (1) In addition to label requirements pursuant to subdivision (a), if not already included, the following information shall appear on the label:

(A) The brand, and class or type, of beer.

(B) 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 arrangement, each of those manufacturers may be identified on the label.

(C) The true and correct name of the bottler of the beer, if other than the manufacturer.

(D) A statement of alcoholic content if the beer contains more than 5.7 percent alcohol by volume.

(2) For purposes of this subdivision, the true and correct name of a manufacturer, bottler, or packager shall be deemed to include a fictitious business name for which the manufacturer, bottler, or packager has duly filed a fictitious business name statement pursuant to Section 17900.

(c) Prior to the first sale of a brand of beer in this state, the manufacturer of that beer shall register the brand with the department. Upon the filing of the registration with the department, the brand may be sold in this state without further action by the department. The registration shall include the following:

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- (1) The true name and address of the actual manufacturer of the beer.
  - (2) Any fictitious business name of the manufacturer under which the beer is manufactured.
  - (3) The class or type of beer and all brand names under which the beer is to be sold in this state.
  - (4) If manufactured under contract for another beer manufacturer or other person, the true name of such other beer manufacturer or person.
  - (5) 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.
- (d) The manufacturer of the beer shall be responsible for compliance with the requirements of this section. In the case of beer manufactured pursuant to a joint venture or other collaborative arrangement, only the actual manufacturer of the beer need comply.
- (e) If beer is sold or offered for sale in this state without first complying with the provisions of this section, or violates any other provision of this division, the department may take such action as it deems reasonable and necessary, including, but not limited to, ordering that the beer no longer be sold or offered for sale until such time as the requirements of this section are complied with. Nothing in this section shall be deemed to prohibit the department from permitting beer that is sold or offered for sale in this state that does not comply with the requirements of this section to continue to be sold or offered for sale for a reasonable period of time to allow the manufacturer to meet the requirements of this section.

### **SEC. 3.**

Section 25201 is added to the Business and Professions Code, to read:

#### **25201.**

- (a) A manufacturer, importer, or wholesaler of beer shall not use a container or carton as a package or container of a beer other than the beer as is manufactured by the manufacturer whose name or brand of beer appears upon the container or carton, or use as a package or container of a beer a container or carton which bears the name of a manufacturer of beer or the brand of any beer other than those of the manufacturer of the beer contained in the container or carton.
- (b) A beer manufacturer that refills any container supplied by a consumer shall affix a label that complies with this section on the container prior to its resale to the consumer. Any information concerning any beer previously packaged in the container, including, but not limited to, information regarding the manufacturer and bottler of the beer, or any associated brands or trademarks, shall be removed or completely obscured in a manner not readily removable by the consumer prior to the resale of the container to the consumer. This subdivision does not authorize a beer manufacturer to refill a container supplied by a consumer with a capacity of five liquid gallons or more.

### **SEC. 4.**

Section 25204 of the Business and Professions Code is repealed.

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### **SEC. 5.**

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.