

## Instructions

- Item 1 - Manufacturer** - Enter the legal name of the manufacturer. If the product is bottled by someone other than the manufacturer, the true name and address of the bottler must also appear on the label.
- Item 2** – Enter California ABC license number, if applicable.
- Item 3** – Enter full address of the beer manufacturer.
- Item 4** – Enter Certificate of Compliance number (for out of state shippers of beer only).
- Item 5** – Enter email address of the designated contact person.
- Item 6** – Is beer contract brewed for someone other than the manufacturer who produced the beer? If yes, enter the true name (not the fictitious business name or “DBA” of that person) in item 7.
- Item 8** – Is the manufacturer using a Fictitious Business Name on the label? If yes, enter the Fictitious Business Name in Item #9. A beer manufacturer, bottler or packager who uses a fictitious business name on a label must file a Fictitious Business Name Statement in the appropriate county and furnish the Department with an endorsed copy of the Statement with this application.
- Businesses located outside California: Fictitious Business Name Statements are filed in Sacramento County with the County of Sacramento Department of Finance, Tax Collection and Licensing, 700 H Street, Room 1710, P. O. Box 1703, Sacramento, CA 95814. Ph. (916) 874-6644. Web site: [www.co.sacramento.ca.us](http://www.co.sacramento.ca.us)
- Businesses within California: Fictitious Business Name Statements are filed in the county of your principal place of business.
- Item 10** – If the Fictitious Business Name Statement (“FBNS”) has NOT been filed previously with ABC please attach the FBNS to Form ABC-412, Beer Brand Registration.
- Item 11** – List the brand name and class or type of beer and the alcohol content percentage by volume. “Class or Type” means lager, ale (including blond ale, IPA, etc.), porter, brown, stout, malt .liquor. If any brand of beer listed in Item #10 is a collaborative or other joint venture indicate which brand(s) and list the name(s) and address(es) of each beer manufacturer next to the brand name.

## General Information

- Section 25200 Business and Professions Code states:
  - (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:
    - (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, order that the beer no longer be sold or offered for sale until such time as the requirements of this section be 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.**

- Section 25201 Business and Professions Code states:

*(a) A manufacturer, importer, or wholesaler of beer shall not use a container or carton as a packager 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 packager 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 or 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.*

- Section 25205 Business and Professions Code states:

*(a) Any container of beer or alcoholic beverage, other than sake, that is approved for labeling as a malt beverage under the Federal Alcohol Administrative Act (27 U.S.C. Sec. 201 et seq.), that derives 0.5 percent or more of its alcoholic content by volume from flavors or other ingredients containing distilled alcohol and that is sold by a manufacturer or importer to a wholesaler or retailer within this state on or after July 1, 2009, shall bear a distinctive, conspicuous, and prominently displayed label, or firmly affixed sticker, containing the following information:*

*(1) The percentage of alcohol content of the beverage by volume.*

*(2) The phrase "CONTAINS ALCOHOL" in bold capitalized letters at least three millimeters in height and that is distinguishable from the background and placed conspicuously in either horizontal or vertical lettering on the front of the brand label. A firmly affixed sticker need not be placed on the brand label provided it is placed on the front of the container.*

*(b) The department may require licensees to submit information as it determines to be necessary, and may adopt regulations as may be required, to implement and enforce this section. The regulations shall be for the limited purpose of ensuring compliance with this section and shall not place additional requirements on the label or sticker required by this section. Any information required to be provided by any licensee to the department pursuant to this section shall be considered confidential and corporate proprietary information. This information shall not be subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).*

*(c) It is the exclusive purpose of this section to identify and specially label products described in subdivision (a) and not to classify these specially labeled products. Nothing in this section shall be construed to permit the classification of any product in a manner that is inconsistent with the definitions of beer, wine, and distilled spirits set forth in Chapter 1 (commencing with Section 23000) of this division.*