

## BRAND LABEL REGISTRATION FAQs

***Listed below are some common questions/scenarios that come up time and again in Brand Label Registration.***

Q: *I own a brew pub. I keg my beer but only sell it at my pub. TTB says I don't need to register my label with them since the product isn't leaving NY. Does it need to be registered in NY?*

A: Yes, it still needs to be registered in NY. You will not need a COLA to do so. Please refer to the instructions for registering your beer.

Q: *How do I register my wine?*

A: Wine that has TTB approval does not require registration, per ABC Law 107-a. If your wine is below 7% alcohol and cannot receive approval from TTB, it must be registered in NY. Please refer to the Low Alcohol Wine application and to laws/regulations/advisories referenced in the instructions.

Q: *I am still waiting for label approval. Can I post my prices?*

A: Please contact our Wholesale Bureau for all price posting questions. They can be reached at 518-474-3114 (follow the prompts to Wholesale) or by email at [Wholesale.Bureau@sla.ny.gov](mailto:Wholesale.Bureau@sla.ny.gov)

Q: *I am still waiting for TTB approval. Can I submit my application without it?*

A: No. Incomplete applications will be disapproved.

Q: *I've applied for a NYS Wholesale license, but don't have it yet. Can I submit my brand label registration?*

A: Yes, but only if you've received a Conditional Letter of Approval.

Q: *Since receiving TTB approval, I've decided to change the brand name slightly. Is this allowable?*

A: No. If you are changing the brand name from the version TTB approved, you will need to obtain a new TTB approval, as changing the brand name is not an allowable revision.

Q: *I registered my labels but they are not showing up on the list of registered brands. Where did they go?*

A: If you had a removal, the brands might not have been moved over to your new license number. Please contact us if that is the case. If your brands are up for renewal and are late to be renewed, they may not be on the list. The list is usually updated at the beginning of each month, so they will show up once they've been renewed and the list has been updated.

Q: *I'm not a licensed wholesaler in NY, and I don't intend to become one. Can I register my labels?*

A: No, you cannot register them yourself. You would need to appoint a NYS Wholesaler as your NYS Exclusive Brand Agent and then they would register your brand and handle price posting (if required). Your brand agent will be able to tell you what you need to provide to them so that they can register your labels.

Q: *Why are you disapproving applications that are incomplete? What happened to sending out deficiency letters?*

A: It is the responsibility of the applicant to submit complete applications. In an effort to assist the applicant, a checklist has been provided, along with other supplementary instructional material that is posted on our website. The number of applications being received with errors that could usually be avoided by following the application instructions became so large that sending deficiency letters and then processing the responses was prohibitive to processing new applications and renewals and holding up the applications of those who filed correctly. We are encouraging applicants to look over their applications carefully prior to filing to ensure that all information is provided/correct to speed up processing time for everyone.

Q: *“Beer” is the most prominent word on my label. Why can’t the brand name just be “Beer?” / “Jim’s Brewery” is the most prominent word on my label. Why can’t the brand name just be “Jim’s Brewery?”*

A: Brand names need to be differentiated because there are many beers, ales, whiskies, brandies, etc. If someone tried to order the product by saying “I’d like some beer” there would be no way of knowing which beer is being requested. The easiest way to differentiate a brand name if the main part of the name is as simple as “beer” is to put the name of the brewery in front of it. Ex. Tom Jones’s Beer. It is the same for a brewery putting just the name of the brewery as the brand name. If a customer were to ask for “Jim’s Brewery” it would be impossible to know if they’re asking for the regular ale, the pale ale, the IPA, etc. The same rule applies to distilled spirits, etc.

Q: *The label is etched/screenprinted directly onto the bottle. Do I need to submit the label?*

A: Yes, submission of a label is mandatory when seeking label approval. If the label is etched or screenprinted, there should be a digital file that the company that did the etching/screenprinting used for the design. This would need to be provided.

Q: *The appointment letter appoints my company the NYS Exclusive Brand Agent for specific counties. Is this okay?*

A: No, the appointment letter must appoint you for the entire state, as registration is for the whole state, not individual counties.

Q: *If other companies aren’t registering their labels, why do I have to?*

A: Other companies may not be in compliance with state and/or Federal law. It is best to make sure that your company is in compliance, regardless of what other companies may or may not be doing.

Q: *I sent my application in 2 weeks ago. Is it done yet? When will it be done?*

A: The average review time is 30 days. Processing times are dependent upon the volume of applications received at any given time. Please wait at least 21 days before contacting us

about the status of the application and provide your license serial number with any request. If you are the brand owner, and not the brand agent, you must contact your brand agent regarding the status. We cannot divulge any information regarding the application to anyone other than the applicant or contact person listed on the application.