

Product Approval Instructions Quick Guide for Labels and Franchise

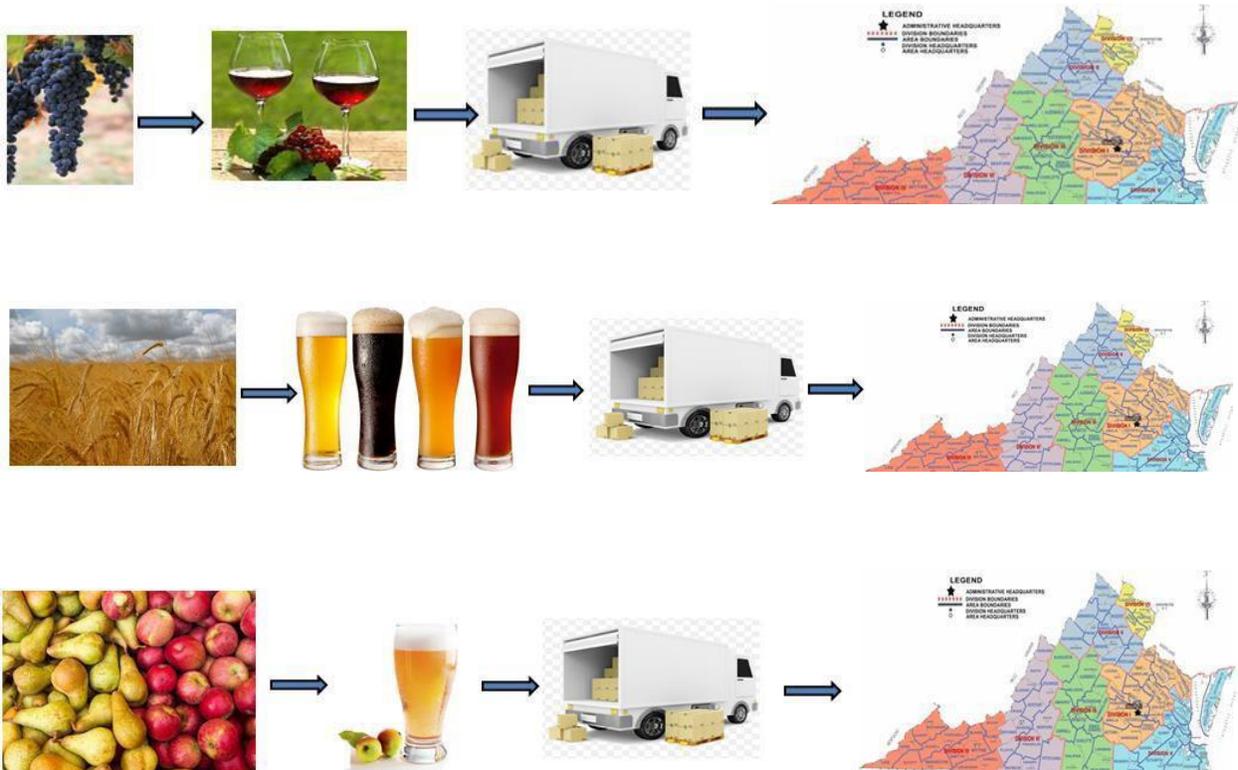
 **Product Approval Instructions****Table of Contents**

Section	Page
<u>Introduction</u>	3
<u>Statues and Regulations</u>	4
<u>Required Docuements for New and Revised Product Labels</u>	5
<u>Product Approval FAQ's</u>	6
<u>Product Label Checklist</u>	7
<u>Franchise Designation Information</u>	8
<u>Franchise Termination Guidelines</u>	9
<u>Contract Brewing</u>	9
<u>Franchise Designation Form</u>	10

Product Approval Instructions

Introduction:

This information is for wineries, cideries, and breweries, or wine, cider and beer wholesalers, suppliers and importers. Virginia ABC regulates the sale and movement of beer, wine, and cider products into and within the state of Virginia, as well as the approval of product labels and franchise agreements. Virginia Regulations require that each malt beverage, wine, cider, and all low alcohol beverages (spirits with ABV of 7.5% and below) be approved by the Virginia ABC Board **prior** to being sold in the state.



Product label approval requests can be submitted through the Product Registration Online System or by **mail**. If submitting by mail, **follow the instructions in this guide**.

Please use the following link for online Product Registration. [Virginia ABC Product Registration](#)

Product Approval Instructions

Statutes and Regulations:

Below are key statutes and regulations associated with product label approvals and franchise designation applications.

Product Approval

- Virginia Administrative Code [Chapter 40](#) defines the statutory requirements for Product Approval.
- Procedures for acceptable wine and beer product labels can be found at [3VAC5-40-20](#).

Franchise Agreements

- **Primary area of responsibility** [§ 4.1-404](#) - Each wholesaler must designate territories in which it wants to distribute each brand.
- **Franchise Termination** [§ 4.1-406](#) or [§ 4.1 - 505](#) - Cancelling a franchise agreement with a wholesaler.
- **Notice of Intent to Terminate** [§ 4.1-407 \(winery\)](#) or [§ 4.1 -506 \(brewery\)](#) - Shall provide written notice at least ninety days prior to amending, terminating, or not renewing any agreement.
- **Licenses** [§ 4.1-207 \(winery\)](#) & [§ 4.1-208 \(brewery\)](#) - Authorize the licensee to manufacture, sell, deliver, and ship in accordance with the law.

For questions regarding the Code of Virginia, please contact [Virginia ABC Compliance Unit](#).

Disclaimer:

This guide is for informational purposes only. Nothing in this guide supersedes or replaces the Code of Virginia. Please refer to [Title 4.1](#) of the Virginia Alcoholic Beverage Control Act and [Title 3](#) of the Virginia Administrative Code for a complete list of statutes and regulations.

Product Approval Instructions

Required Documents for New and Revised Product Labels:

When submitting product labels for approval, applicants must submit the following required documents.

- A copy of the Federal COLA or the TTB ID number. [Alcohol and Tobacco Tax Trade Bureau](#)
 - This ensures that the label has already been approved by the federal government.
 - If it is a low alcoholic beverage (7.5% ABV or less) then this is not required.

- A legible color copy of the front and back of the label (*neck if applicable*).
 - Please note that the Government Warning, Alcohol by Volume, and net contents, need to be clearly visible. Preferable label sizes submitted are 750ml for wine, and 12oz for beer.

- Franchise Designation Form is needed when:
 - A brand has not been previously approved to be sold in Virginia.
 - There is an amendment to current importers, distributors, and suppliers.
 - When assigning and changing territories, all release letters must be submitted with the franchise designation form.

- \$30 fee for each label submitted.
 - If you have multiple label sizes for the same product, only one label needs to be approved for **all** sizes. (*Only one label size will appear on the Virginia ABC website.*)
 - However, if you want multiple sizes viewed on the Virginia ABC website, a \$30 fee is needed for each label size submitted.

Product Approval Instructions

Product Approval FAQ'S:

- The Product Approval department approves labels for the following products: wine, beer, cider, and low alcoholic beverages.
 - Wine cannot exceed 21% alcohol by volume.
 - Beer and Malt Beverage do not have an alcohol by volume limit.
 - Cider means any beverage, carbonated or otherwise, made from the fermentation of the natural sugar content of apples or pears containing not more than 10% alcohol by volume without chaptalization. Or, containing not more than 7% alcohol by volume regardless of chaptalization.
 - Low Alcoholic Beverages cannot exceed 7.5% alcohol by volume.
 - Products containing spirits are approved by the Virginia ABC Logistics Department. Please contact 804-213-4523 for **ABC Store shelf** or 804-213-4528 for **Special Order** if the alcohol by volume is 7.5% and higher.

- All combination and gift packages containing either wine/beer or nonalcoholic products must be submitted for approval before they can be sold to retailers.

- All combination and gift packages containing either wine/beer, for which label approval has been granted, may be sold without additional approval.

- The \$30 label fee is non-refundable.

- If a label cannot be approved due to incorrect and/or missing information the application is held open for 12 months from date of receipt allowing the applicant time to submit the required documents for label approval.

- When does an applicant need a **new** Virginia approval code number?
 - When the information written on the label has changed or is amended in any way.
 - Ex: Lisa's Vineyard changed its name to Lisa and Daughter's Vineyards.

- What is considered a Label Revision and what are the requirements for approval?
 - Graphic changes only
 - Vintage changes
 - All written information remains the same.
 - Any non-mandatory information is removed from the label.
 - \$30 fee for each submitted label approval revisions.

Product Approval Instructions

Product Label Checklist of items needed:

Contact Person- First & Last Name: _____

Email Address: _____

Phone Number & Ext: _____

New Label or Revised Label

\$30 fee per label submitted, made payable to "Virginia ABC"

Copy of the Federal COLA or the TTB ID number (if applicable)

Legible, color copy of the front and back of the label (this includes all labels affixed to the container)

Letter stating that the product will ONLY be sold in Virginia (if needed)*

Completed Franchise Designation Form with a Letter of Authorization (if needed)**

****If the applicant is a Virginia Winery or Brewery and the product will not be sold outside of Virginia, the TTB is NOT required.***

*****This document may not be needed if the applicant already has the brand(s) and wholesaler(s) registered with the Virginia ABC Product Approval Department.***

Mailing Address: _____

Virginia Alcoholic Beverage Control Authority
Attn: Product Approval Department
P.O. Box 27491
Richmond, VA 23261-7491

Overnight Address: _____

Virginia Alcoholic Beverage Control Authority
Attn: Product Approval Department
2901 Hermitage Road
Richmond, VA 23220

Product Approval Instructions

Franchise Designation Information:

Franchise Designation forms are used in Virginia to legally assign territories to wholesalers for distributing specific brands of wine, beer, and cider. When submitting the Franchise Designation form, applicants must adhere to the following requirements.

- Completed Franchise Designation form.
- ***The company printed on the label as the Producer and or Bottler is considered to be the brand owner if no other proof of ownership is provided. Examples of proof of ownership:***
 - Federal Basic Permit/Fictitious Name Registry/Trade Name documents.
 - Trademark ownership document
 - Contract Agreement or Bottler Letter
 - This letter is from the company printed on the label as the producer and or bottler stating the product was produced and/or bottled for the company submitting the application.
- Franchise Agreement documentation and product label approvals can be submitted at the same time, but the Franchise Agreement documentation must be approved before the product label can be approved.
- Any incomplete, incorrect, or missing information from the application will delay processing. The application will be held open for 12 months allowing the applicant time to submit the required information. After 12 months, the application will be considered “void” and no longer acceptable.
- There is **no fee** to process Franchise Agreement documentation.
- Only one distributor can be assigned to a city or county. Towns fall within the county unless divided by a highway number, river, or some other distinguishing marker.
- Partial territories include part of a city or county that is divided by a highway number, river or some other distinguishing marker.
- Importer’s and/or wholesaler’s license **MUST** be active in order to process the franchise agreement documentation.
- Release letters are required for territory reassignment for brand (s) and brand extensions between wholesalers. Newly assigned territories will not be approved unless the franchise designation documentation has been complete and submitted to the Product Approval Department.

Product Approval Instructions

Franchise Termination Guidelines:

In order to terminate a franchise with any wholesaler in the state of Virginia, you must adhere to the following:

- The Notice of Intent to Terminate letter must be sent to the Virginia Distributor, Virginia ABC's Secretary of the Board and the Virginia ABC Tax Management Department. The notice must show 'Good cause' for termination, which is defined in section [4.1-406](#) in the Code of Virginia.
- We recommend sending the Notice of intent to Terminate via certified mail to the Virginia Distributor and Virginia ABC in order to document receipt of the notification.
- Sections [4.1-407](#) (winery) and [4.1-506](#) (brewery) require the winery/brewery provides the wholesaler a minimum of a 90 day grace period to contest, amend, terminate, cancel or not renew the agreement.

Contract Brewing:

- Under Virginia Code section [3VAC5-60-110](#) (Contract Brewing), - a licensed brewery may manufacture beer bearing the brand of another brewery as long as there is a written agreement between both parties.
- Breweries: when applying to get a product approved, you must notify Virginia ABC at that time if the beer was manufactured through the Contract Brewing Process.
- There are two acceptable methods for getting product labels approved.
 - Submitting a letter from the "producer brewery" or the "owner brewery" stating that the beer was produced and bottled by Brewery A (producer) for Brewery B (owner) and proof of their agreement.
 - Submitting the labels that have the statement, Produced and Bottled by Brewery A for Brewery B, and proof of their agreement.

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Virginia Alcoholic Beverage Control Authority
Attn: Product Approval Department
P.O. Box 27491
Richmond, VA 23261-7491

Overnight Address:

Virginia Alcoholic Beverage Control Authority
Attn: Product Approval Department
2901 Hermitage Road
Richmond, VA 23220



FRANCHISE DESIGNATION FORM

COMPLETE ONE FORM FOR EACH DISTRIBUTOR

Brand Name	Brand Owner	Supplier's Name
Name of Designated Distributor	Type of Filing NEW <input type="checkbox"/> AMENDED <input type="checkbox"/>	Signed by Brand Owner <input type="checkbox"/> OR Letter of Authorization Attached <input type="checkbox"/>
VA Distributor License #	VA Importer License #	

Territory	All	Part	Territory	All	Part	Territory	All	Part	Territory	All	Part
STATE OF VIRGINIA	<input type="checkbox"/>	<input type="checkbox"/>	CULPEPER (CO)	<input type="checkbox"/>	<input type="checkbox"/>	JAMES CITY (CO)	<input type="checkbox"/>	<input type="checkbox"/>	POQUOSON (IC)	<input type="checkbox"/>	<input type="checkbox"/>
ACCOMACK (CO)	<input type="checkbox"/>	<input type="checkbox"/>	CUMBERLAND (CO)	<input type="checkbox"/>	<input type="checkbox"/>	KING AND QUEEN (CO)	<input type="checkbox"/>	<input type="checkbox"/>	PORTSMOUTH (IC)	<input type="checkbox"/>	<input type="checkbox"/>
ALBEMARLE (CO)	<input type="checkbox"/>	<input type="checkbox"/>	DANVILLE (IC)	<input type="checkbox"/>	<input type="checkbox"/>	KING GEORGE (CO)	<input type="checkbox"/>	<input type="checkbox"/>	POWHATAN (CO)	<input type="checkbox"/>	<input type="checkbox"/>
ALEXANDRIA (IC)	<input type="checkbox"/>	<input type="checkbox"/>	DICKENSON (CO)	<input type="checkbox"/>	<input type="checkbox"/>	KING WILLIAM (CO)	<input type="checkbox"/>	<input type="checkbox"/>	PRINCE EDWARD (CO)	<input type="checkbox"/>	<input type="checkbox"/>
ALLEGHANY (CO)	<input type="checkbox"/>	<input type="checkbox"/>	DINWIDDIE (CO)	<input type="checkbox"/>	<input type="checkbox"/>	LANCASTER (CO)	<input type="checkbox"/>	<input type="checkbox"/>	PRINCE GEORGE (CO)	<input type="checkbox"/>	<input type="checkbox"/>
AMELIA (CO)	<input type="checkbox"/>	<input type="checkbox"/>	EMPORIA (IC)	<input type="checkbox"/>	<input type="checkbox"/>	LEE (CO)	<input type="checkbox"/>	<input type="checkbox"/>	PRINCE WILLIAM (CO)	<input type="checkbox"/>	<input type="checkbox"/>
AMHERST (CO)	<input type="checkbox"/>	<input type="checkbox"/>	ESSEX (CO)	<input type="checkbox"/>	<input type="checkbox"/>	LEXINGTON (IC)	<input type="checkbox"/>	<input type="checkbox"/>	PULASKI (CO)	<input type="checkbox"/>	<input type="checkbox"/>
APPOMATTOX (CO)	<input type="checkbox"/>	<input type="checkbox"/>	FAIRFAX (CO)	<input type="checkbox"/>	<input type="checkbox"/>	LOUDOUN (CO)	<input type="checkbox"/>	<input type="checkbox"/>	RADFORD (IC)	<input type="checkbox"/>	<input type="checkbox"/>
ARLINGTON (CO)	<input type="checkbox"/>	<input type="checkbox"/>	FAIRFAX (IC)	<input type="checkbox"/>	<input type="checkbox"/>	LOUISA (CO)	<input type="checkbox"/>	<input type="checkbox"/>	RAPPAHANNOCK (CO)	<input type="checkbox"/>	<input type="checkbox"/>
AUGUSTA (CO)	<input type="checkbox"/>	<input type="checkbox"/>	FALLS CHURCH (IC)	<input type="checkbox"/>	<input type="checkbox"/>	LUNENBURG (CO)	<input type="checkbox"/>	<input type="checkbox"/>	RICHMOND (CO)	<input type="checkbox"/>	<input type="checkbox"/>
BATH (CO)	<input type="checkbox"/>	<input type="checkbox"/>	FAUQUIER (CO)	<input type="checkbox"/>	<input type="checkbox"/>	LYNCHBURG (IC)	<input type="checkbox"/>	<input type="checkbox"/>	RICHMOND (IC)	<input type="checkbox"/>	<input type="checkbox"/>
BEDFORD (CO)	<input type="checkbox"/>	<input type="checkbox"/>	FLOYD (CO)	<input type="checkbox"/>	<input type="checkbox"/>	MADISON (CO)	<input type="checkbox"/>	<input type="checkbox"/>	ROANOKE (CO)	<input type="checkbox"/>	<input type="checkbox"/>
BEDFORD (IC)	<input type="checkbox"/>	<input type="checkbox"/>	FLUVANNA (CO)	<input type="checkbox"/>	<input type="checkbox"/>	MANASSAS (IC)	<input type="checkbox"/>	<input type="checkbox"/>	ROANOKE (IC)	<input type="checkbox"/>	<input type="checkbox"/>
BLAND (CO)	<input type="checkbox"/>	<input type="checkbox"/>	FRANKLIN (CO)	<input type="checkbox"/>	<input type="checkbox"/>	MANASSAS PARK (IC)	<input type="checkbox"/>	<input type="checkbox"/>	ROCKBRIDGE (CO)	<input type="checkbox"/>	<input type="checkbox"/>
BOTETOURT (CO)	<input type="checkbox"/>	<input type="checkbox"/>	FRANKLIN (IC)	<input type="checkbox"/>	<input type="checkbox"/>	MARTINSVILLE (IC)	<input type="checkbox"/>	<input type="checkbox"/>	ROCKINGHAM (CO)	<input type="checkbox"/>	<input type="checkbox"/>
BRISTOL (IC)	<input type="checkbox"/>	<input type="checkbox"/>	FREDERICK (CO)	<input type="checkbox"/>	<input type="checkbox"/>	MATHEWS (CO)	<input type="checkbox"/>	<input type="checkbox"/>	RUSSELL (CO)	<input type="checkbox"/>	<input type="checkbox"/>
BRUNSWICK (CO)	<input type="checkbox"/>	<input type="checkbox"/>	FREDERICKSBURG (IC)	<input type="checkbox"/>	<input type="checkbox"/>	MECKLENBURG (CO)	<input type="checkbox"/>	<input type="checkbox"/>	SALEM (IC)	<input type="checkbox"/>	<input type="checkbox"/>
BUCHANAN (CO)	<input type="checkbox"/>	<input type="checkbox"/>	GALAX (IC)	<input type="checkbox"/>	<input type="checkbox"/>	MIDDLESEX (CO)	<input type="checkbox"/>	<input type="checkbox"/>	SCOTT (CO)	<input type="checkbox"/>	<input type="checkbox"/>
BUCKINGHAM (CO)	<input type="checkbox"/>	<input type="checkbox"/>	GILES (CO)	<input type="checkbox"/>	<input type="checkbox"/>	MILITARY (MI)	<input type="checkbox"/>	<input type="checkbox"/>	SHENANDOAH (CO)	<input type="checkbox"/>	<input type="checkbox"/>
BUENA VISTA (IC)	<input type="checkbox"/>	<input type="checkbox"/>	GLOUCESTER (CO)	<input type="checkbox"/>	<input type="checkbox"/>	MONTGOMERY (CO)	<input type="checkbox"/>	<input type="checkbox"/>	SMYTH (CO)	<input type="checkbox"/>	<input type="checkbox"/>
CAMPBELL (CO)	<input type="checkbox"/>	<input type="checkbox"/>	GOOCHLAND (CO)	<input type="checkbox"/>	<input type="checkbox"/>	NELSON (CO)	<input type="checkbox"/>	<input type="checkbox"/>	SOUTH BOSTON (IC)	<input type="checkbox"/>	<input type="checkbox"/>
CAROLINE (CO)	<input type="checkbox"/>	<input type="checkbox"/>	GRAYSON (CO)	<input type="checkbox"/>	<input type="checkbox"/>	NEW KENT (CO)	<input type="checkbox"/>	<input type="checkbox"/>	SOUTHAMPTON (CO)	<input type="checkbox"/>	<input type="checkbox"/>
CARROLL (CO)	<input type="checkbox"/>	<input type="checkbox"/>	GREENE (CO)	<input type="checkbox"/>	<input type="checkbox"/>	NEWPORT NEWS (IC)	<input type="checkbox"/>	<input type="checkbox"/>	SPOTSYLVANIA (CO)	<input type="checkbox"/>	<input type="checkbox"/>
CHARLES CITY (CO)	<input type="checkbox"/>	<input type="checkbox"/>	GREENSVILLE (CO)	<input type="checkbox"/>	<input type="checkbox"/>	NORFOLK (IC)	<input type="checkbox"/>	<input type="checkbox"/>	STAFFORD (CO)	<input type="checkbox"/>	<input type="checkbox"/>
CHARLOTTE (CO)	<input type="checkbox"/>	<input type="checkbox"/>	HALIFAX (CO)	<input type="checkbox"/>	<input type="checkbox"/>	NORTHAMPTON (CO)	<input type="checkbox"/>	<input type="checkbox"/>	STAUNTON (IC)	<input type="checkbox"/>	<input type="checkbox"/>
CHARLOTTESVILLE (IC)	<input type="checkbox"/>	<input type="checkbox"/>	HAMPTON (IC)	<input type="checkbox"/>	<input type="checkbox"/>	NORTHUMBERLAND (CO)	<input type="checkbox"/>	<input type="checkbox"/>	SUFFOLK (IC)	<input type="checkbox"/>	<input type="checkbox"/>
CHESAPEAKE (IC)	<input type="checkbox"/>	<input type="checkbox"/>	HANOVER (CO)	<input type="checkbox"/>	<input type="checkbox"/>	NORTON (IC)	<input type="checkbox"/>	<input type="checkbox"/>	SURRY (CO)	<input type="checkbox"/>	<input type="checkbox"/>
CHESTERFIELD (CO)	<input type="checkbox"/>	<input type="checkbox"/>	HARRISONBURG (IC)	<input type="checkbox"/>	<input type="checkbox"/>	NOTTOWAY (CO)	<input type="checkbox"/>	<input type="checkbox"/>	SUSSEX (CO)	<input type="checkbox"/>	<input type="checkbox"/>
CLARKE (CO)	<input type="checkbox"/>	<input type="checkbox"/>	HENRICO (CO)	<input type="checkbox"/>	<input type="checkbox"/>	ORANGE (CO)	<input type="checkbox"/>	<input type="checkbox"/>	TAZEWELL (CO)	<input type="checkbox"/>	<input type="checkbox"/>
CLIFTON FORGE (IC)	<input type="checkbox"/>	<input type="checkbox"/>	HENRY (CO)	<input type="checkbox"/>	<input type="checkbox"/>	PAGE (CO)	<input type="checkbox"/>	<input type="checkbox"/>	VIRGINIA BEACH (IC)	<input type="checkbox"/>	<input type="checkbox"/>
COLONIAL HEIGHTS (IC)	<input type="checkbox"/>	<input type="checkbox"/>	HIGHLAND (CO)	<input type="checkbox"/>	<input type="checkbox"/>	PATRICK (CO)	<input type="checkbox"/>	<input type="checkbox"/>	WARREN (CO)	<input type="checkbox"/>	<input type="checkbox"/>
COVINGTON (IC)	<input type="checkbox"/>	<input type="checkbox"/>	HOPEWELL (IC)	<input type="checkbox"/>	<input type="checkbox"/>	PETERSBURG (IC)	<input type="checkbox"/>	<input type="checkbox"/>	WASHINGTON (CO)	<input type="checkbox"/>	<input type="checkbox"/>
CRAIG (CO)	<input type="checkbox"/>	<input type="checkbox"/>	ISLE OF WIGHT (CO)	<input type="checkbox"/>	<input type="checkbox"/>	PITTSYLVANIA (CO)	<input type="checkbox"/>	<input type="checkbox"/>	WAYNESBORO (IC)	<input type="checkbox"/>	<input type="checkbox"/>

If you check part of County or Independent City, please attach description.

IC = Independent City, CO = County



FRANCHISE DESIGNATION FORM

Territory	All	Part
WESTMORELAND (CO)	<input type="checkbox"/>	<input type="checkbox"/>
WILLIAMSBURG (IC)	<input type="checkbox"/>	<input type="checkbox"/>
WINCHESTER (IC)	<input type="checkbox"/>	<input type="checkbox"/>
WISE (CO)	<input type="checkbox"/>	<input type="checkbox"/>
WYTHE (CO)	<input type="checkbox"/>	<input type="checkbox"/>
YORK (CO)	<input type="checkbox"/>	<input type="checkbox"/>

I further certify that a licensed Virginia Importer _____, is entitled to (i) sell and deliver or ship such brand or brands into the Commonwealth of Virginia and (ii) established written agreements of a definite duration and within the meaning of the Wine Franchise Act (§4.1-400 et seq., Code of Virginia) and the Beer Franchise Act (§4.1-500, et. seq., Code of Virginia), on behalf of the brand owner, as its authorized representative, with each wholesale licensee to whom the importer sells such brand or brands.

I further certify that on _____ (date sent) a copy of this Franchise Designation Form was sent via electronic or regular mail to the individual whose name and title appears as the Designated Distributor.

Territory Designations shall be effective upon their acceptance by the Board. Should the Designated Distributor object to any part of the Territory designated herein, within 10 business days of its receipt of the Franchise Designation Form, the Designated Distributor may submit to both the Board Secretary and the Supplier written notice specifying each objection and the reason for the objection.

Distributor Named on page 1 of this form

Signature of Person Completing Form

Print Name and Title

Print Name and Title

Address of Named Distributor

Date

Date Sent

Please use the space below to describe partial territories.