

# KOMBUCHA FAQs

	<p>My Kombucha product is <i>never</i> at or above 0.5 percent alcohol by volume (ABV) either during production or after shipment</p>	<p>My kombucha product is less than 0.5 percent ABV <i>with</i> live culture and fermentable sugar and later reaches 0.5 percent ABV or above  <b>OR</b>                      My kombucha is at or above 0.5 percent ABV</p>
<p><i>Is my kombucha an alcohol beverage?</i></p>	<p>No.</p>	<p>Yes. <a href="#">Chapter 51 of the Internal Revenue Code of 1986</a> (IRC) classifies a product with 0.5 percent or more ABV as an alcohol beverage. TTB will further classify your product as beer, wine, or distilled spirits under IRC, depending on our analysis of the formula and process by which it is made. Producers of kombucha may provide a <a href="#">formula</a> to the <a href="#">Advertising, Labeling, and Formulations Division</a> for evaluation with detailed information about the ingredients used in their product and the method of production. This will provide us information on how to advise you about the classification of your product and possible qualification requirements. We expect most, if not all, kombucha products will be classified as either beer or wine.</p>
<p><i>What if I bottle my kombucha when it is below 0.5 percent ABV but it continues to ferment, and develops more alcohol. May I reduce the alcohol to below 0.5 percent and avoid TTB requirements?</i></p>	<p>Is not applicable.</p>	<p>No. If your product develops 0.5 percent or more ABV then you must qualify with TTB, even if you subsequently reduce the alcohol content to below 0.5 percent ABV.</p>
<p><i>Where can I make my kombucha?</i></p>	<p>You may make your product without a qualification from TTB.</p>	<p>You must produce your kombucha at a premises qualified with TTB under provisions of the IRC.</p>

<p><i>Must I label my kombucha with the government warning statement (GWS)?</i></p>	<p>No.</p>	<p>Yes. TTB requires the GWS statement on all alcohol beverages that contain 0.5 percent or more ABV. For regulations see <a href="#">27 CFR part 16</a>.</p>
<p><i>Must my kombucha can or bottle meet other TTB labeling or markings requirements?</i></p>	<p>No.</p>	<p>Yes. For beer and wine there are labeling and marking requirements deriving from the IRC. For beer, you must comply with regulations at <a href="#">27 CFR 25.141-25.145</a>. For wine, you must comply with regulations at <a href="#">27 CFR 24.257</a>.</p>
<p><i>What other labeling regulations apply to my kombucha?</i></p>	<p>If your kombucha is a malt beverage under the FAA Act, then TTB regulations apply. Otherwise, Food and Drug Administration (FDA) regulations apply. <a href="#">Click here</a> for more information.</p>	<p>If your kombucha falls under the definition of a wine or a malt beverage under the Federal Alcohol Administration (FAA) Act, then TTB labeling regulations under the FAA Act also apply. If not, then <a href="#">FDA regulations</a> apply.</p> <p>For purposes of the FAA Act:</p> <ul style="list-style-type: none"> <li>• If your kombucha is made as a beer and contains malted barley and hops, it is a malt beverage and <a href="#">27 CFR part 7</a> will apply.</li> <li>• If your Kombucha is made as a wine and contains 7 percent or more alcohol by volume, it is a wine and <a href="#">27 CFR part 4</a> will apply.</li> </ul>
<p><i>What tax rate will apply to my kombucha</i></p>	<p>No Federal tax applies.</p>	<p>For beer, the <a href="#">tax rate</a> is \$18 per barrel containing not more than 31 gallons and a like rate for any other quantity or for fractional parts of a barrel would apply. However, for small producers, a reduced rate of \$7 a barrel would apply to the first 60,000 barrels of beer removed for consumption or sale by qualified TTB brewers who produce not more than 2,000,000 barrels of beer during a calendar year.</p> <p>For wine, most likely the <a href="#">tax rate</a> for still wine 14 percent alcohol or less will apply, but a kombucha product would be taxed at the sparkling wine rate if it contains more than 0.392 grams of carbon dioxide per 100 milliliters of wine. The tax rate for still wine 14 percent alcohol or less is \$1.07 per gallon, but a \$0.90 credit may be available for the first 100,000 gallons removed by a small winery producing not more than 150,000 gallons per year. There are decreasing credit rates for a winery producing up to 250,000 gallons per year. The tax rate for sparkling wine is \$3.40, without any available credit.</p>
<p><i>What must a distributor do to carry my kombucha</i></p>	<p>No Federal requirements apply, unless your kombucha is a malt beverage under the FAA Act.</p>	<p>If your kombucha fits the definition of a wine or a malt beverage under the FAA Act, then <a href="#">TTB basic permit requirements</a> under <a href="#">27 CFR part 1</a> apply.</p> <p>For purposes of the FAA Act:</p> <ul style="list-style-type: none"> <li>• If the kombucha contains malted barley and hops, it is a malt beverage under the FAA Act.</li> <li>• If the Kombucha contains 7 percent or more alcohol by volume, it is a wine under the FAA Act.</li> </ul>

<i>What must a retailer do to carry my kombucha</i>	No Federal requirements apply.	All dealers of products that are taxable as alcohol beverages, such as bars, convenience stores, lunch wagons, must register with TTB. For more information, <a href="#">click here</a> .
<i>Can I make kombucha for personal use and not for sale</i>	Yes.	Yes, within limitations set forth for beer at <a href="#">27 CFR 25.205</a> , and for wine at <a href="#">27 CFR 24.75</a> . Federal law provides no exemption for the home production of distilled spirits.
<i>Is it possible that my state will have different regulations from the TTB regulations relating to kombucha?</i>	Yes.	Yes. You must comply with State and local requirements in addition to the TTB regulations discussed above. For a list of State alcohol agencies, <a href="#">click here</a> .