

SECTION .0200 - PRODUCT APPROVALS: LISTING PROCEDURES: PRODUCT LISTS

14B NCAC 15C .0201 MALT BEVERAGE PRODUCT APPROVAL: LISTING IN STATE

(a) All malt beverage products offered for sale in this State shall first be approved by the Commission. The Commission shall provide blank Label/Product Application Forms upon request. Thereafter, any approved malt beverage product sold in this State shall conform to the analysis of the samples submitted.

(b) The Commission shall approve malt beverage products if:

- (1) the procedure for approval is complied with as required in Paragraph (c) of this Rule;
- (2) the analysis is within the limits as required in Paragraph (d) of this Rule;
- (3) the malt beverage product meets or exceeds the packaging requirements as required in 14B NCAC 15C .0301; and
- (4) at the time of consideration, the Commission does not have evidence to suspect that the product:
 - (A) contains harmful or impure substances;
 - (B) contains an improper balance of substances, based on studies by universities, laboratories, the Commission or other scientific studies;
 - (C) is a spurious or imitation product; or
 - (D) is unfit for human consumption.

(c) Procedure for Approval. To receive consideration for approval by the Commission for a new malt beverage product, an industry member shall comply with the following procedures:

- (1) submit a completed Label/Product Approval Form with a list of all container sizes being offered;
- (2) attach all malt beverage product labels that are specified on the Label/Product Approval Form to the Label/Product Approval Form;
- (3) upon request from the Commission, submit a sample of the product in a marketable container;
- (4) attach a copy of the Federal Label Approval Form (COLA) to the Label/Product Approval Form;
- (5) submit a non-refundable analysis fee in the form of a certified check, cashier's check or money order in the amount of twenty-five dollars (\$25.00) for each new malt beverage product submitted, except if an analysis certified by a laboratory of the product is submitted, submit a non-refundable administrative fee as set out in G.S. 18B-206(c) in the form of a certified check, cashier's check or money order; and
- (6) forward all required items to the North Carolina Alcoholic Beverage Control Commission, 4307 Mail Service Center, Raleigh, North Carolina 27699-4307.

(d) All malt beverage analyses shall be within the following limits:

- (1) a maximum 15 percent alcohol by volume;
- (2) a maximum 25 parts per million of total sulphur dioxide content; and
- (3) a maximum 100 parts per million of gallo tannins.

(e) All analyses of products submitted by industry members shall provide the following information in English:

- (1) the measured amounts listed in Paragraph (d) of this Rule;
- (2) the calories per 360 milliliters (12 ounces);
- (3) the specific gravity; and
- (4) the amount of any fortified stimulant per 360 milliliters (12 ounces).

(f) The Commission shall withdraw approval of a malt beverage product when the Commission has evidence to suspect that the product:

- (1) contains harmful or impure substances;
- (2) contains an improper balance of substances;
- (3) is a spurious or imitation product; or
- (4) is unfit for human consumption.

The malt beverage product shall not be reapproved until the Commission has evidence that proves otherwise.

(g) A person possessing malt beverage products that have had the approval withdrawn by the Commission shall have 60 days after notice of the withdrawal to sell or otherwise dispose of the malt beverage products.

*History Note: Authority G.S. 18B-100; 18B-203(a)(5); 18B-206; 18B-207;
Eff. January 1, 1982;
Amended Eff. April 1, 2011; July 1, 1992; May 1, 1984;
Transferred and Recodified from 04 NCAC 02T .0201 Eff. August 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.*

