

Product Approval Instructions
Quick Guide for Labels and Franchise

Product Approval Instructions

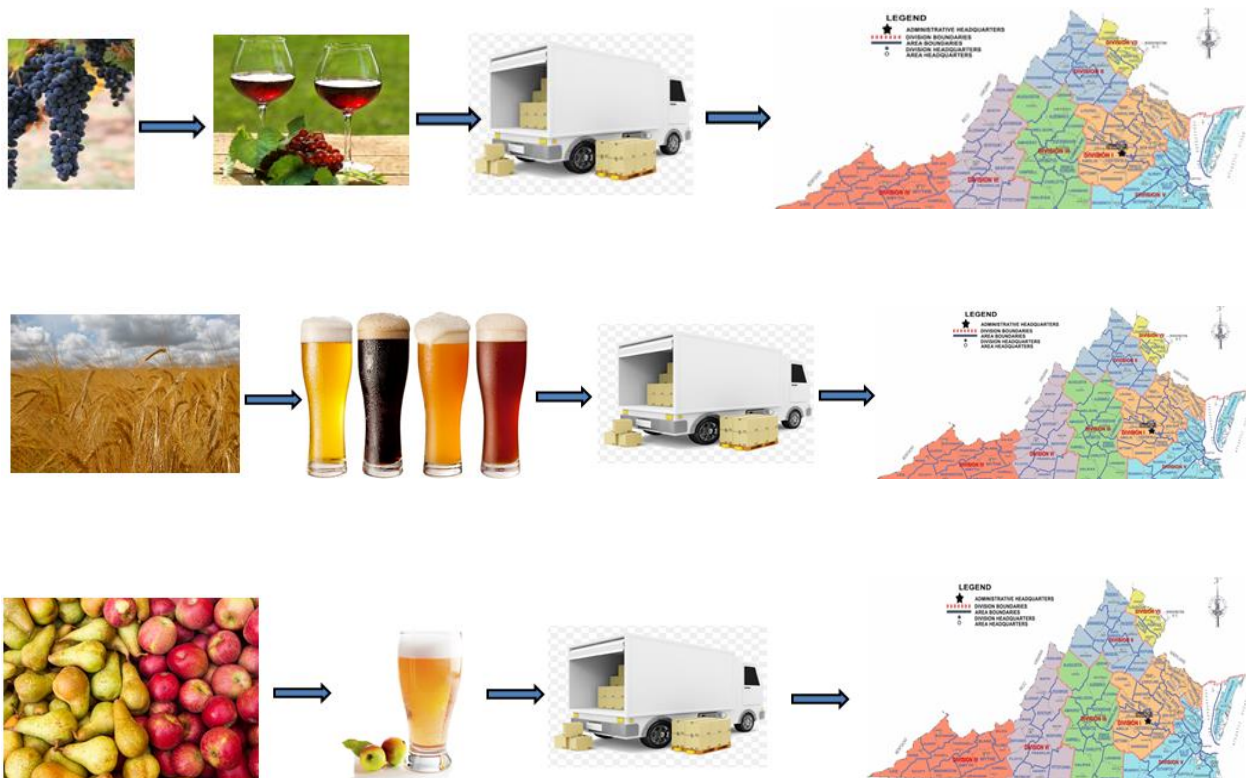
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Product Approval Instructions

Introduction

This information is dedicated to the wineries/cideries and breweries and/or wine, cider and beer wholesalers and importers. Virginia ABC regulates the sale and movement of beer, wine, and cider products into and within Virginia, including the approval of product labels and franchise arrangements. Virginia Regulations require that each malt beverage, wine, cider and low alcohol (spirits with abv of 7.5% and below) be approved by the Virginia ABC Board **prior** to being sold in this state.



The product approval 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 the Product Registration Online. [Virginia ABC Product Registration](#)

Product Approval Instructions

Statutes and Regulations

Below are key statutes and regulations to keep in mind when submitting product label approvals and franchise designation applications.

Product Approval

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

Franchise Agreements

- **Primary area of responsibility - [§ 4.1-404](#)** - Each wholesaler must designate territories to which it wants to distribute each brand
- **Franchise Termination-[§ 4.1-406](#) or [§4.1 - 505](#)** - Cancelling Franchise agreement with wholesaler
- **Notice of Intent to Terminate [§ 4.1-407](#) or [§4.1 -506](#)** -Winery [brewery] shall provide a wholesaler at least ninety days' prior written notice of any intention to amend, terminate, cancel or not renew any agreement
- **Licenses [§4.1-207](#) or [§4.1-208](#)** - Authorizes the licensee to manufacture wine [beer] and to sell and deliver or ship the wine, in accordance with Board regulations

For any additions questions or clarity needed on the code of Virginia, please contact your assigned Virginia Department of Alcoholic Beverage Control agent directly.

Disclaimer:

*This is guide is provided for informational purposes only. Nothing in this guide supersedes or replaces the Code of Virginia. Please refer to **Title 4.1** of the Virginia Alcohol Beverage Control Act and **Title 3** of the Virginia Administration Code for a complete list of statutes and regulations.*

Product Approval Instructions

Product Approval Requirements for New and Revised Labels

When submitting product labels for approvals, applicant must adhere to the following requirements.

- A copy of the Federal COLA or the TTB ID number. [Alcohol and Tobacco Tax Trade Bureau](#)
 - This ensures that the label has been previously approved by the federal government.

- Legible front, back, color copy of label (neck if applicable)
 - Please note the Government Warning, Alcohol by Volume, net contents, need to be clearly visible. Preferable label sizes for wine are 750ML, and preferable label size for beer is 12oz bottle.

- The Franchise Designation Form
 - This is needed when a product has not been previously sold in VA, or
 - Amended Importers, distributors, and suppliers.

- \$30 fee per label submitted.
 - If you have multiple sizes for the same product, only one label needs to be approved for all sizes.
 - If you wish to have multiple sizes viewed on the VA ABC website, a \$30 fee is needed for each label size submitted for product approval.

- All combination packages containing nonalcoholic products must be submitted for approval **before** they can be sold to retailers. Follow the same requirements for new and revised labels stated above.

Product Approval Instructions

Key factors to remember for Product Approval

- The Product Approval department approves labels for the following products: Wine, beer, cider, and low alcohol. Low Alcohol cannot exceed 7.5% alcohol by volume.
 - Products containing spirits are approved by the VA ABC Logistics Department. Please contact 804-213-4523 for **ABC Store shelf** or 804-213-4528 for **Special Order** if the spirits alcohol by volume are 7.5% and higher.
- Wine cannot exceed 21% alcohol by volume.
- Beer/Malt Beverage does not have an alcohol by volume limit.
- Cider means any beverage, carbonated or otherwise, obtained by the fermentation of the natural sugar content of apples or pears containing not more than 10% of alcohol by volume without chaptalization or containing not more than 7% alcohol by volume regardless of chaptalization.
- A gift package containing wine or beer for which label approval has been granted may be sold without additional approval by the board.
- The \$30 fee is non-refundable and non-transferable. However, if the label cannot be approved due to incorrect data or missing information the application is held open for 12 months to allow the applicant to submit the required information to get the label approved.
- When does an applicant need a new Virginia approval code number?
 - When the information written on the label is amended.
 - Ex: Lisa's Vineyard changed to Lisa and Daughter's Vineyards. This would be considered a **New Brand**.
 - Appellation, origin, and varietal changes would all require a new approval code number.
- What is a Label Revision and what are the requirements for approval?
 - Graphic changes, but all written information remains the same.
 - Any non-mandatory information is removed from the label
 - \$30 fee for each submitted label approval revisions
- Franchise Agreement Applications must be completed and on file with VA ABC Product Approval Department **prior** to the product label approval
 - Franchise agreement applications and product labels may be submitted at the same time for review and processing.
 - Any incomplete, incorrect, or missing information from the application, it is held open for 12 months to allow the applicant to submit the required information. After 12 months have expired the application is considered "void" and not acceptable.
 - There is **no fee** to process Franchise Agreement Applications.

Product Approval Instructions

Product Label Cover letter and check list

Contact- First and Last Name: _____

Email Address: _____

Phone and ext: _____

- New Label or Revised Label
- Letter stating that the product will ONLY be sold in Virginia*
- Copy of the Federal COLA or the TTB ID number (if applicable)
- Legible front, back, color copy of label (neck if applicable)
- Completed Franchise Designation Form with Letter of Authorization**
- VA ABC Importer's license or VA ABC Unlicensed Supplier number***
- \$30 fee per label submitted payable to "Virginia Department of ABC"

**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.*

****If the applicant does not have the importer's or unlicensed number, the application can still be processed*

VA ABC Mailing Address:

VA Dept of Alcoholic Beverage Control

Attn: Product Approval Department

2901 Hermitage Road

P.O. Box 27491

Richmond, VA 23261-7491

Product Approval Instructions

Franchise Designation Guidelines

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

- The territory or primary area of responsibility needs to be specific and cannot overlap.
- 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:***
 - Trade names
 - Trademark Ownership
 - Contract Agreement,
 - The letter from the company printed on the label as producer and/or bottler stating that the product was produced and/or bottled for company submitting application, etc.

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 an agreement between both parties.

Product Approval

When a brewery needs to get a product approved by VA ABC Product Approval Department, the department needs to be notified if the beer was manufactured through the Contract Brewing process. There are two accepted methods for getting [product](#) labels approved.

- 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.
- The label submitted for product approval has the statement Produced and Bottled by Brewery A for Brewery B, and proof of their agreement.

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Key factors to remember for Franchise Designation

- Only one distributor can be assigned 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 city or county that is divided by a highway number, the name of a river or some other distinguishing marker.
- Importer's and/or wholesaler's license MUST be active in order to process the franchise agreement application.

Franchise Termination Guidelines

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

- The Notice of Intent to Terminate must be sent to the Virginia Distributor with a copy to The Secretary of the Board and Tax Management Department.
- A copy of the termination notice sent the wholesaler must be sent to the Board at the same time stating the reason for the termination.
- We recommend the Notice of intent to Terminate be sent certified mail to the Virginia Distributor to document receipt of the notification.
- Good cause, which is defined in section [4.1-406](#) of the code of Virginia, must exist for termination.
- Sections [4.1-407](#) (winery) and [4.1-506](#) (brewery) require a brewery to provide the wholesaler a minimum 90 day grace period to contest, amend, terminate, cancel or not renew the agreement.

VA ABC Mailing Address:

VA Dept of Alcoholic Beverage Control

Attn: Product Approval Department

2901 Hermitage Road

P.O. Box 27491

Richmond, VA 23261-7491



**Commonwealth of Virginia
Department of Alcoholic Beverage Control**

Franchise Designation Form

COMPLETE ONE FORM FOR EACH DISTRIBUTOR

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



Commonwealth of Virginia
Department of Alcoholic Beverage Control

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.

Signature of Person Completing Form

Print Name and Title

Date

Please use the space below to describe partial territories.

Product Approval Instructions

Glossary

1. **Brand Name:** A word or name used by a winery or brewery to identify their product.
2. **Brand Owner:** Virginia considers the bottler/producer/brewer listed on the label to be the brand owner.
3. **Supplier:** An authorized agent in which the wholesaler buys products from to sell in Virginia.
4. **Name of Designated Distributor:** The wholesaler which has been appointed to distribute a product in the Commonwealth.
5. **Type of Filing:** New (product has never been sold in Virginia) Amended (product has been previously sold in Virginia)
6. **Signed by Brand Owner or Letter of Authorization Attached:** Have the brand owner sign as person completing the form with name, title and date or attach a letter of authorization / letter of appointment / power of attorney and complete the form as agent.
7. **VA Distributor License #:** A five-digit license number provided to wholesalers from the Board to distribute products in the Commonwealth.
8. **VA Importer License #:** A five-digit license number provide to importers from the Board to import products in the Commonwealth.
9. **Territory:** Only one distributor can be assigned a territory (an independent city or county) unless a highway number, the name of a river or some other distinguishing marker, divides it. A general description such as Northern or Southern Virginia is not acceptable. The territory or primary area of responsibility needs to be specific and cannot overlap.
10. **Licensed Virginia Importer:** A Virginia company licensed to import products into the Commonwealth.