



## West Virginia Alcohol Beverage Control Administration

900 Pennsylvania Avenue, Charleston, West Virginia 25302

(304) 356-5500

### Beer Below .5% ABV Submission Form

In accordance with the rule at 176 CSR 1 - §§2.28; 2.29; 3.2.e.5; 3.2.e.5.A; and 3.2.5.B, beer containing less than 0.5% alcohol by volume, prior to any sale in West Virginia must first submit the brand or brands for verification of the non-alcoholic claims and status. Approval of the Commissioner must be obtained before sale and shipment to West Virginia.

Non-alcoholic beer must meet federal labeling requirements regarding 0.00% beer or for beer less than 0.5%. Labeling shall clearly convey the non-alcoholic nature of the beer.

Complete and forward this form with the requested information as stated below for review and approval.

Submit via regular mail or email:

\* WVABCA, 900 Pennsylvania Ave., 4<sup>th</sup> Floor, Charleston, WV 25302, Attention-Beer Division.

\* [ABCA.Beer@wv.gov](mailto:ABCA.Beer@wv.gov)

Brewer: \_\_\_\_\_

Contact: \_\_\_\_\_ Telephone #: \_\_\_\_\_ Email: \_\_\_\_\_

Product Name: \_\_\_\_\_

Percentage of Alcohol by Volume: \_\_\_\_\_

\*Attach Certified Lab Analysis which clearly states Alcohol by Volume.

\*Attach a color copy of product label.

176 CSR 1 - 2.29. "Nonintoxicating Beer or Nonintoxicating Craft Beer" means all natural cereal malt beverages or products of the brewing industry commonly referred to as beer, lager beer, ale, IRC beer and all other mixtures and preparations produced by the brewing industry, including malt coolers, frozen beer based products, and nonintoxicating craft beers, all with no caffeine infusion or any additives masking or altering the alcohol effect containing at least .5% alcohol by volume, but not more than 11.9% of alcohol by weight, or 15% by volume, whichever is greater. The word "liquor" as used in W. Va. Code §60-1-1 *et seq.*, does not include or embrace nonintoxicating beer nor any of the beverages, products, mixtures, or preparations included within this definition. For the purposes of this definition "infusion" means and includes to artificially add, input, or otherwise deliver caffeine or any other additive, not a true flavoring or coloring, that would mask or alter the alcohol effect in nonintoxicating beer. **Furthermore, low or no alcohol beers which are less than 0.5% alcohol by volume manufactured or brewed by a brewer or resident brewer must provide the ABCA with a certified lab analysis that the low or no alcohol beer is below 0.5% alcohol by volume prior to the low or no alcohol beer being sold in West Virginia, such beer must list the exact alcohol percentage on the product's label.**

Code of Federal Regulations

27 CFR §7.65 (b)(2), states in part, "...For malt beverages containing less than 0.5 percent alcohol by volume, alcohol content may be expressed either to the nearest one-tenth or the nearest one-hundredth of a percentage point, and such statements are not subject to any tolerance. ..."

**FOR WVABCA USE ONLY**

After review of submitted documents, it is verified that the product falls below definition of Nonintoxicating Beer (0.5% ABV) as defined in W.Va. Code §§11-16-3(14), 11-16-3(18), and the rule at 176 CSR 1 - 2.29.

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WVABCADate