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**To:** Persons holding a brewer's license to produce 60,000 barrels or more [ABCL §§ 51, 56(1)]  
Persons holding a brewer's license to produce less than 60,000 barrels [ABCL §§ 51, 56(1)]  
Persons holding a license to operate a brewer's restaurant [ABCL § 51(4)]  
Persons holding a license to operate as a restaurant brewer [ABCL § 64-c]

**Subject:** Registration of Beer Brand Name Labels and Tap Signs [ABCL § 107-a.(4)(g)]

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### **Registration Required for All Brands and Types of Beer**

Persons and entities licensed to brew beer are required to file with the State Liquor Authority an "Application for Registration of Standard Brand Label (Beer)" [Form 650] registering on a separate form the name of each and every different brand or type of beer brewed by the licensee.

### **Tap Sign Registration**

Submission of a State "Application for Registration of Standard Brand Label (Beer)" [Form 650] is required even where the licensee brewing the beer will be selling all of the brewed beer exclusively through a tap or taps at the bar by means of a "Vat-to-Tap" system, and will not on the brewery premises be bottling or packaging any of the brewed beer in sealed containers (such as barrels, kegs, beer balls, cans, or bottles) for removal from the brewery premises in connection with the sale of the packaged beer to a retailer or a consumer.

In the situation where all of the brewed beer is being sold exclusively through a "Vat-to-Tap" system, the "Vat-to-Tap" licensee will have no need to print a label for pasting on kegs, bottles, or other containers of beer, because the licensee will not be selling any beer in sealed containers.

The "Vat-to-Tap" licensee, will be selling beer through the taps, and each tap must have affixed to it a "Tap Sign" which accurately indicates the name of the brand or type of beer being dispensed. In the absence of an actual label which would be pasted on a keg, bottle, or other container, the "Vat-to-Tap" licensee must still register on the "Application for Registration of Standard Brand Label (Beer)" [Form 650] the "Tap Sign" name of each brand or type of beer being poured from a tap. If a brand or type of brewed beer will be sold exclusively through a "Vat-to-Tap" system, the licensee, when answering Question No. 1 of the "Application for Registration of Standard Brand Label (Beer)" [Form 650], should write "(Tap Sign Only)" after writing the Brand Name of the beer. No label need be submitted. The Brand Name submitted must conform exactly to the Tap Sign which will be placed on the tap through which the beer will be poured. Dispensing beer through a tap bearing a Tap Sign which has not been registered may result in the institution of a disciplinary charge.

### **Fees and Federal Certification of Brand Label/Bottle Approval by the Bureau of Alcohol, Tobacco and Firearms**

Whether a \$150 State beer label registration fee and/or a Federal Label Certification of Label/Bottle Approval (ATF Form 5100.31) must be submitted to the State Liquor Authority along with the licensee's submission of a State Application for Registration of Standard Brand Label [Form 650] will depend upon a number of factors.

- whether any of the brewed beer is being packaged at the brewery in kegs, bottles or other sealed containers for sale to retail licensees or retail customers;
- whether *all* of the brewed beer will be sold *exclusively* through a "Vat-to-Tap" system;
- whether the brand or type of beer is being produced in small size batches totaling fifteen hundred barrels of beer or less annually; and
- whether the brewery is producing a total of more than fifteen hundred barrels of beer per calendar year.

To find out whether the \$150 New York State beer label registration fee and/or a Federal Certification of Label/Bottle Approval must be submitted to the State Liquor Authority along with the required Application for Registration of Standard Brand Label (or Tap Sign) [Form 650], please use the table on the back of this memorandum.

**TABLE OF QUESTIONS**  
**TO BE USED IN CONNECTION WITH THE SUBMISSION OF**  
**AN APPLICATION FOR REGISTRATION OF STANDARD BRAND LABEL (BEER) [FORM 650]**

| <b>QUESTIONS</b> |  | <b>IF</b><br>the Questions are Answered as Indicated:  |  |   |            |
|------------------|--|--|--|---|------------|
| <b>1</b>         | Will beer of the named brand or type be packaged in sealed containers (such as barrels, kegs, beer balls, cans, or bottles) in the brewery portion of the licensed premises and sold to licensed retailers or to retail customers? | <b>Yes</b>   |  | <b>No</b>   | <b>No</b>  |
| <b>2</b>         | Will <b>ALL</b> of the beer of the named brand or type be sold <b>EXCLUSIVELY</b> from the Bar Tap of a Vat-to-Tap System?   |  | <b>No</b>  | <b>Yes</b>  | <b>Yes</b> |
| <b>3</b>         | Will beer of the named brand or type be produced in small batches totaling <u>fifteen hundred</u> barrels or less annually?  |  |  | <b>No</b>   | <b>Yes</b> |
|                  |  | <b>THEN</b><br><br>an Application for Registration of a Standard Brand Label (Beer) [Form 650] must be submitted to the State Liquor Authority accompanied by a registration fee of \$150 and<br><br>an Approved Application for Certification of Label/Bottle Approval issued by the U.S. Bureau of Alcohol Tobacco and Firearms (ATF Form 5100.31) | <b>THEN</b><br><br>an Application for Registration of a Standard Brand Label (Beer) [Form 650] must be submitted to the State Liquor Authority accompanied by a registration fee of \$150.<br><br>You need <u>NOT</u> submit an Approved Application for Certification of Label/Bottle Approval issued by the U.S. Bureau of Alcohol Tobacco and Firearms (ATF Form 5100.31) | <b>THEN</b><br><br>an Application for Registration of a Standard Brand Label (Beer) [Form 650] must be submitted to the State Liquor Authority. The registration fee of \$150 need <u>NOT</u> be submitted.<br><br>You need <u>NOT</u> submit an Approved Application for Certification of Label/Bottle Approval issued by the U.S. Bureau of Alcohol Tobacco and Firearms (ATF Form 5100.31) |            |
| <b>ANSWERS</b>   |  |  |  |   |            |