

Regulating Alcoholic Beverages in Minnesota

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www.mda.state.mn.us

Overview



General Information

- Alcohol is Food in the US

- **21 U.S.C. 321 (f)**

The term “food” means (1) articles used for food or drink for man or other animals, (2) chewing gum, and (3) articles used for components of any such article.

- **21 C.F.R. 1.227 (4) (ii)**

Examples of food include fruits, vegetables, fish, dairy products, eggs, raw agricultural commodities for use as food or as components of food, animal feed (including pet food), food and feed ingredients, food and feed additives, dietary supplements and dietary ingredients, infant formula, beverages (including alcoholic beverages and bottled water), live food animals, bakery goods, snack foods, candy, and canned foods.

General Information

- Alcohol is Food in Minnesota

- **Minnesota Statutes Section 34A.01 Subdivision. 4**

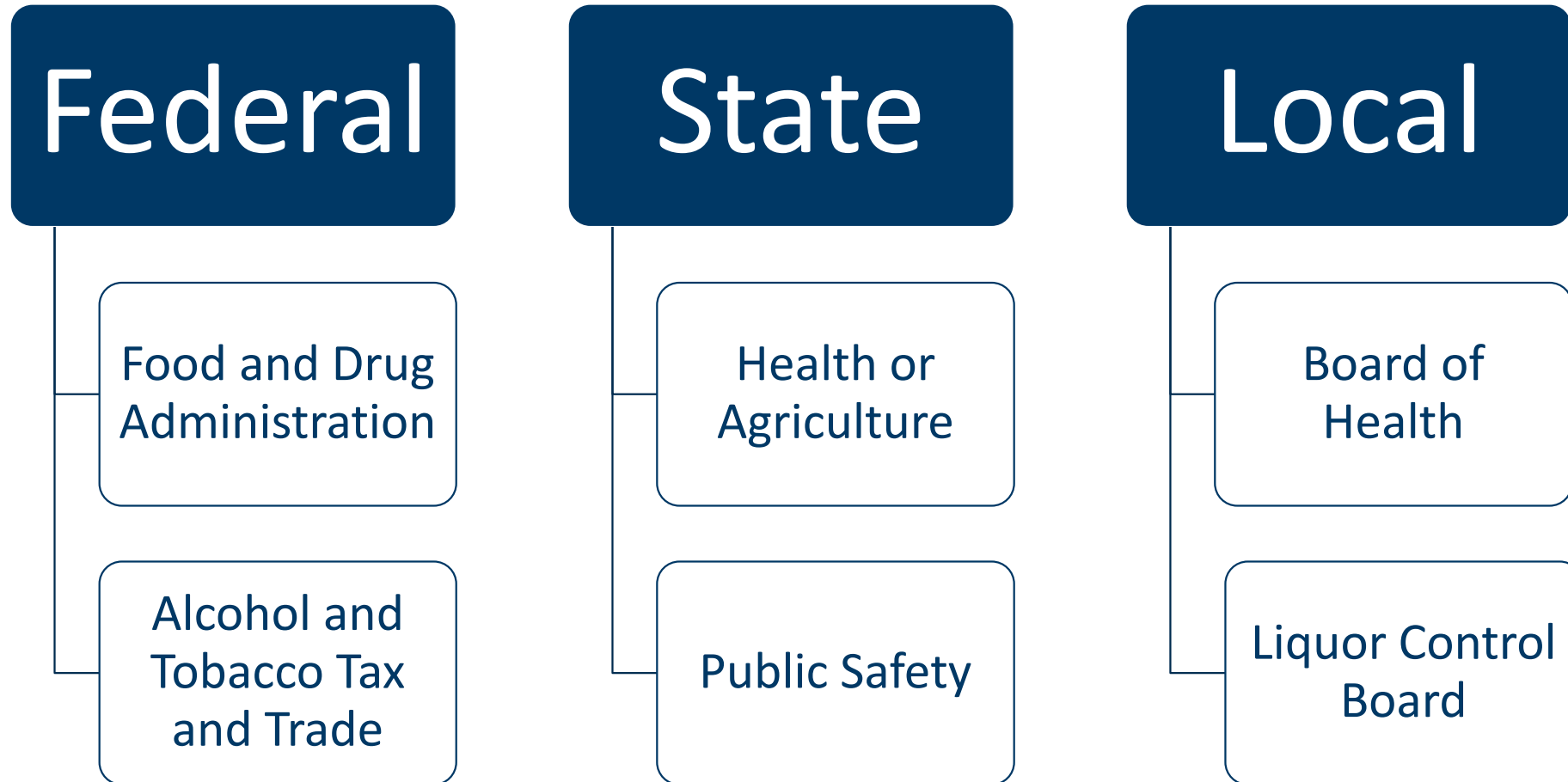
Food is every ingredient used for, entering into the consumption of, or used or intended for use in the preparation of food, drink, confectionary, or condiment for humans or other animals, whether simple, mixed, or compound; and articles used as components of these ingredients.

General Information – Product Types

- Alcohol Beverages
- Nonbeverage Products with Alcohol
 - Food Products
 - Flavorings and Flavor Extracts



Agencies and Regulations



Alcohol Product Handling Activities

- Manufacturing
- Wholesale/Distribution
- Retail Sales
- Retail Preparation and Service

Licensing and Inspection

- MDH
- MDA
- Local Agencies

- TTB
- DPS
- Local Agencies

MN DPS Alcohol Licenses

License History

License	2011	2012	2013	2014	2015	2016	2017
Farm Winery	46	56	56	68	75	78	79
Large Brewers	6	6	6	6	13	12	20
Small Brewers	0	3	3	6	5	8	11
Micro Brewer	16	30	34	42	72	75	113
Micro Distiller	0	1	3	4	3	3	1
Micro Distiller Small	0	0	1	9	12	18	28

Regulations and Requirements

FOOD

- 21 CFR 117
- MN Rules 4626, 1550
- MN Statutes 28A, 31, 34A
- Local Ordinance

Alcohol Control

- USC Title 26 – Internal Revenue Code
- USC Title 27 – Intoxicating Liquors
- MN Statute 340A
- MN Rule 7515
- Local Ordinance

Specific State Restrictions - Examples

1

MINNESOTA STATUTES 2016

31.76

31.76 CONFECTIONS CONTAINING ALCOHOL.

Subdivision 1. **Definition.** "Confection containing alcohol" is a confection that contains or bears not more than five percent alcohol by volume where the alcohol is in a nonliquid form by reason of being mixed with other substances in the manufacture of the confection. "Confection containing alcohol" does not include liqueur-filled candy as defined in section 340A.101, subdivision 15b.

Subd. 2. **Regulations.** (a) A confection containing alcohol may not be sold to any person under the age of 21 years.

(b) Each confection containing alcohol must bear a label that contains (1) a conspicuous, readily legible statement that reads "This product may not be sold to anyone under age 21 years of age," and (2) a conspicuous, readily legible statement to the effect that the product contains less than five percent alcohol by volume.

(c) A confection containing alcohol may be sold only by (1) an exclusive liquor store licensed under chapter 340A, or (2) a business establishment that derives more than 50 percent of its gross sales from the sale of confections.

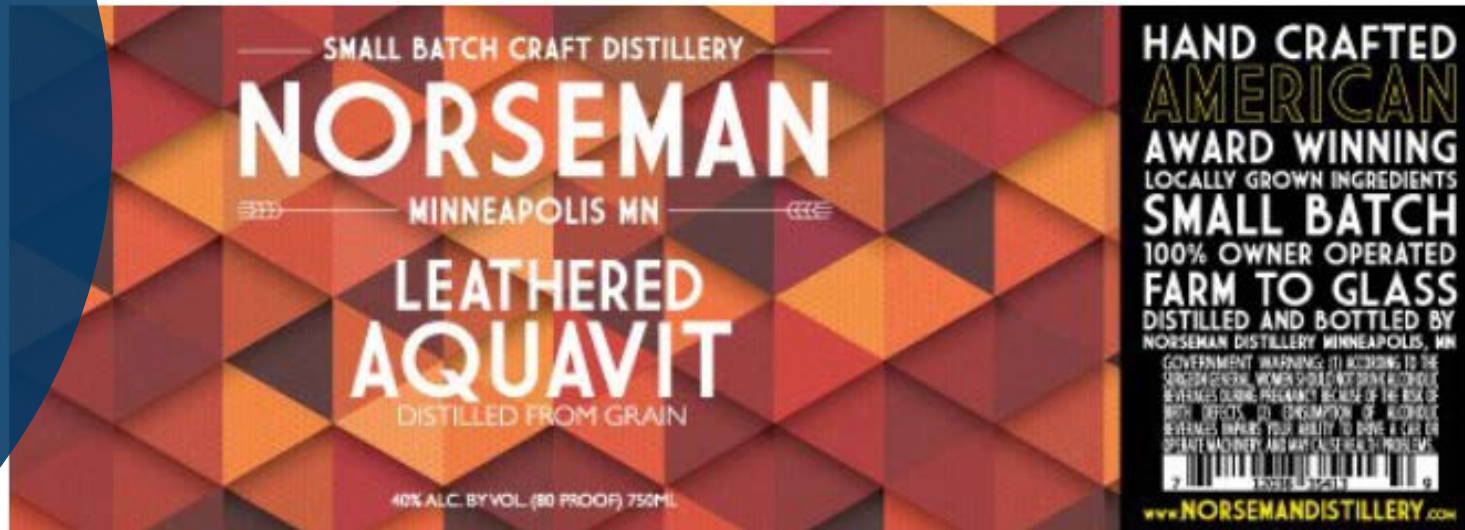
History: 1992 c 486 s 3

Challenges and Opportunities

- Multi-agency authorities
- Communications
- Site coordination
- Regulatory controls
- Resources available



MN Case Study



General Timeline

- November 2016
 - Pest issues noted during inspections
- December 2016
 - Complaint and inspection regarding ingredients noted during inspection
 - Internal discussions and communications with operator
- December 22, 2016
 - MDA issued a consumer advisory for Norseman Distillery Leathered Aquavit product.

News Release

FOR IMMEDIATE RELEASE: Thursday, December 22, 2016

MDA issues consumer advisory for Norseman Distillery Leathered Aquavit product

Use of unapproved materials in processing

ST. PAUL, Minn. – The Minnesota Department of Agriculture (MDA) is advising consumers not to consume Norseman Distillery brand Leathered Aquavit because an unapproved ingredient was used in the making of this product. The Leathered Aquavit, manufactured by Norseman Distillery of Minneapolis, Minnesota, was made with non-food grade tanned leather (animal hide), which is an unapproved food ingredient. This advisory includes all of the company's Leathered Aquavit. Aquavit is a flavored alcohol typically made from grain or potatoes. The Norseman product was sold in 750mL bottles at various retail locations and distributed to various restaurant and retail service locations.

The MDA became aware of the issue after receiving a complaint. State officials are not aware of However, the MDA is advising the public of this concern because the safety of the product cannot be guaranteed. Consumers should not consume it and should discard of the product.

State tells Norseman to stop selling Leathered Aquavit

After getting a complaint, Agriculture Department issues a consumer notice.

By Kristen Leigh Painter Star Tribune | DECEMBER 23, 2016 – 7:31AM



BRUCE BISPING, STAR TRIBUNE

Scott Ervin applied labels to the bottles before filling with Norseman Vodka on 1/10/14. The year starts off with a high-proof bang, as micro-distillers open in the metro. One of the first to actually have product in stores and bars is the small

Thank you!

Katherine Simon

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