Kombucha is a fermented beverage made from brewed tea and sugar (sweet tea) that is rapidly growing in popularity amongst consumers, and can be found in many health food stores, retail markets and green markets. The beverage originated in China, and later spread to Russia and Japan. It may be consumed as part of a "cleanse," or for various other perceived health benefits. Kombucha tea is produced both at the retail level and for wholesale distribution. Kombucha tea is a fermented product that can be produced with an end result of alcohol that varies from a trace level to over 2.5% alcohol concentration. If end product fermentation test results indicate a level greater than 0.5% alcohol by volume, the Kombucha tea is considered an alcoholic beverage and is subject to state regulation by the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco (ABT) who regulates the sale, labeling and distribution of alcoholic beverages. For more information please contact ABT at: http://www.myfloridalicense.com/dbpr/abt/index.html. In addition to ABT, alcoholic beverages are also subject to federal regulation by the U.S. Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau (TTB). For more information please contact TTB at http://ttb.gov/.

Kombucha producers must be aware that even though the product may have been bottled at less than 0.5% alcohol, the use of live cultures often results in additional fermentation in the bottle (during transportation, storage and retail display) even when held at refrigerated temperatures. Retailers of Kombucha must be aware that in the state of Florida, alcoholic beverages (which would include Kombucha products with greater than 0.5% alcohol by volume) are required to be purchased from a licensed distributor pursuant to 561.14(3) Florida Statutes.

The Florida Department of Agriculture and Consumer Services (FDACS) has collected and tested over 40 Kombucha samples statewide. The samples collected and tested included Kombucha produced both inside and outside of Florida, and the products were not marketed as alcoholic beverages. Test results indicated that greater than 60% of the Kombucha samples evaluated contained amounts of alcohol that exceed 0.5%. Producers of Kombucha tea are responsible for the alcohol content throughout the life of the product.

Kombucha teas are considered foods and are therefore subject to the Federal Food Drug and Cosmetic Act, and Ch. 500 Florida Statutes. Requirements for producing Kombucha tea for wholesale distribution include: monitoring of pH, monitoring of alcohol content, and to follow a scientifically validated process such as a process authority evaluation, or peer reviewed scientific journal article. In addition to the above requirements, production of Kombucha for retail sale is considered a specialized process per the 2009 FDA Food Code, and requires the producer to operate under an approved Process Alternative, and Hazard Analysis and Critical Control Point Plan (HACCP).

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