Department of the Treasury

Industry Circular

Internal Revenue Service
Alcohol, Tobacco and Firearms Division
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MISCELLANEOUS AMENDMENTS TO
27 CFR Part 5

Proprietors of Distilled Spirits Plants,
Importers and Wholesalers of Distilled
Spirits, and others concerned:

This circular is issued to provide you with a reprint of a notice of public hearing to be held on April 1, 1969, which was published in the Federal Register for January 23, 1969.

The Treasury Department announced in April 1967 that a series of three public hearings would be held on proposed amendments to 27 CFR, Part 5. The first of these hearings was held beginning on September 18, 1967. Treasury Decision 6945, published in the Federal Register on January 26, 1968, contained amendments resulting from that hearing. The second hearing was held beginning on April 1, 1968. Treasury Decision 6973, published in the Federal Register on September 26, 1968, contained the amendments resulting from that hearing.

This notice announces the third and concluding hearing in the series and is published as a complete and new regulation. This hearing will afford interested parties an opportunity to comment on editorial, conforming, and clarifying changes as well as several substantive changes not considered in the first two hearings.

Harold A. Serr

Harold A. Serr, Director
Alcohol, Tobacco and Firearms Division

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Department of the Treasury
Internal Revenue Service

[27 CFR Part 5]

LABELING AND ADVERTISING OF DISTILLED SPIRITS

Notice of Hearing for Miscellaneous Changes in and Reissuance of Regulations

Notice is hereby given, pursuant to the provisions of section 5 of the Federal Alcohol Administration Act (49 Stat. 981 as amended; 27 U.S.C. 205), of a public hearing to begin at 9:30 a.m. (e.s.t.) on Tuesday, April 1, 1969, in Room 3313 Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, D.C., 20224, at which time and place all interested parties will be afforded opportunity to be heard, in person or by authorized representative, concerning regulatory changes in 27 CFR Part 5.

A comprehensive study of 27 CFR Part 5 showed that a complete revision of the regulations was desirable in order to fulfill the purposes and objectives of the Federal Alcohol Administration Act in terms of present day production and trade practices and consumer understanding. Industry members, State control authorities, other Federal and State agencies, consumer organizations, and others concerned were invited to submit suggestions for the improvement of the regulations. In order to consider the numerous suggested changes in an orderly manner, the Treasury Department announced in April 1967 that a series of three public hearings would be held on proposed amendments to 27 CFR Part 5.

A notice of public hearing, beginning on September 18, 1967, with respect to certain industry petitions to amend the regulations relating to the labeling of domestic whiskies, particularly as affected by cooperage, was published in the FEDERAL REGISTER on July 11, 1967 (32 F.R. 10208). Treasury Decision 6945, published in the FEDERAL REGISTER on January 26, 1968 (33 F.R. 983), contained the amendments resulting from that hearing.

A second notice of public hearing, beginning on April 1, 1968, with respect to 12 proposals relating to substantive changes in other areas of the regulations, was published in the FEDERAL REGISTER on January 26, 1968 (33 F.R. 1017). Treasury Decision 6973, published in the FEDERAL REGISTER on September 26, 1968 (33 F.R. 14459), contained the amendments resulting from the second hearing.

This notice of the third and concluding hearing in the series is published in the form of a complete new regulation. The regulations incorporate the matters covered by Treasury Decisions 6945 and 6973 mentioned above. This third hearing will afford interested parties an opportunity to comment on editorial, conforming, and clarifying changes, as well as several proposed substantive changes not previously considered, as enumerated below. Although the amendments to the regulations prescribed by Treasury Decisions 6945 and 6973 are of necessity incorporated in this proposed new regulation for the sake of completeness and and continuity of thought, they should not be regarded as subject to reconsideration at this time. Thus any testimony and evidence which may be offered at this hearing relative to matters which were decided pursuant to the September 1967 and April 1968 hearings will not be regarded as germane and will not again be considered.

In the interest of orderly procedure the subjects to be considered at this hearing will be heard separately and in the numerical order set forth below:

1. *Definition of "produced at"*. Historically, degrees of proof were used as a regulatory control to describe manufacturing processes distinguishing various classes of distilled spirits, and types of spirits within the classes; for example, an alcoholic distillate from a fermented mash of grain distilled at or above 190° proof has been held to be a neutral spirit, and if distilled at less than 190° proof it has been classed as "whisky". It has long been recognized that during the course of a distilling process the vapors or liquids within a closed system may occasionally reach or actually exceed a prescribed limit of distillation proof. Thus, the implied limits on distillation proof were not realistic as a line of demarcation between classes and types. In practice, the classification of the finished product has not been held to be affected as long as the completed distillate in the closed system before any treatment, including the addition of water, was within the prescribed maximums and minimums of proof. To conform to recognized practice, and in order to permit the mixing of streams of distillates within the closed system as part of the production process prior to withdrawal of the spirits, it is proposed to define the term "produced at", as used in the standards of identity, so as to specifically recognize that the proof of the product resulting from such mixing of streams of distillates will govern.

Distilled spirits are required to be labeled to show the class and type thereof if the class and type is specifically defined in the regulations. Also, the regulations have long required new distillates, before storage or further processing, to possess the taste, aroma, and characteristics generally attributed to the product.

In other words, the regulation did not take into account the changes brought about by storage in wood; this was done by administrative interpretation. To give effect to this administrative interpretation, and to make it clear that the taste, aroma, and characteristics of a product stored in wood are attributable, in part, to such storage in wood, it is proposed to specify, in § 5.35(a) (present § 5.34(a)), that a product shall be entitled to, and shall be described in accordance with, the applicable designation if the bottled product conforms to the prescribed standard and if it possesses the taste, aroma, and characteristics generally attributed to products made in accordance with such standard.

2. *Rum*. Puerto Rico Rum Producers Association, Inc., San Juan, Puerto Rico, has petitioned that the class "rum" be revised to require all rum to be stored at least 1 year in oak containers. The Association holds that a marked difference exists between the finished product offered to the consumer and the newly produced distillate, and that the taste, aroma, and characteristics generally attributed to rum can be achieved only through the maturing of the new distillate in oak containers.

3. *Tequila*. The National Association of Alcoholic Beverage Importers, Inc., Washington, D.C., due to the increasing popularity of "tequila" in the United States, has petitioned that a standard of identity for this product be included in the regulations recognizing "tequila" as a distinctive product of Mexico.

The proposed standard of identity, substantially in the form for other distinctive products recognized elsewhere in the regulations, is set forth in § 5.22(g).

4. *Information on labels*. In order to achieve some degree of conformity with the Model State Packaging and Labeling Regulations, adopted by the National Conference on Weights and Measures, notwithstanding the fact that products subject to, or labeled in accordance with, the Federal Alcohol Administration Act are exempt from such regulations; to afford proprietors additional freedom in label design, arrangement, and presentation of information (provided there is no conflict with, or qualification of, mandatory information), it is proposed:

A—To eliminate the requirement that certain mandatory information be grouped in a particular place on a "Government label" and to permit such information to appear on any label provided it is separated from related descriptive or explanatory matter.

B—To permit the use of any trade name the distiller or rectifier has been authorized to use, at the time of bottling of the product, in lieu of limiting the use of trade names to those which were authorized at the time the spirits were distilled or rectified.

C—To require the address or addresses of the proprietor to include the ZIP Code.

D—To make optional the age and percentage statement for whiskies in a blend containing neutral spirits when all of the whiskies are 4 years or more old. Currently, statements of age are optional for domestic or foreign whiskies, whether or not mixed or blended (but containing no neutral spirits), all of which are 4 years or more old. If age statements are shown, the proposed regulations would require age and percentage statements for products containing more than one straight whisky to be shown in either of two ways; for example, "35 percent straight whiskies 4 years or more old", or

"20 percent straight whisky 4 years old and 15 percent straight whisky 5 years old".

E—To redefine the term "brand label" to include all labels appearing on the same side of the container as the "principal display panel."

F—To delete the requirement for showing the State of distillation on labels of domestic whiskies. Presently statements of State of distillation are not required for blends of whiskies, including blends of straight whiskies, and they are prohibited with respect to light whiskies produced in a State found by the Director to be associated by consumers with an American type whisky. Under the proposed amendment it would still be permissible to show the State of distillation whenever it is desired to do so, except in certain instances in the case of light whisky.

G—To provide, with respect to all distilled spirits products that the use of the word "old", as part of the brand name, shall not be deemed to be an age representation.

The above proposals, if adopted, will apply only to labels developed or revised after the effective date of the regulatory changes.

5. *Standards of fill.* Schenley Industries, Inc., has petitioned to have the regulations amended to include a ⅔ gallon (51.2 oz.) size container as a standard of fill for distilled spirits in order to offer the consumer a size package between one quart (32 oz.) and ½ gallon (64 oz.).

6. *Amendment of regulations to apply "headspace", "actual capacity", and "tolerance" requirements of containers to cordials, liqueurs, and specialties.* Cordials, liqueurs, and specialties are now exempt from all of the requirements of Subpart H of the regulations relating to standards of fill (see 27 CFR 5.74(b)). In the interest of preventing consumer deception, it is proposed that the existing provisions of this subpart relating to shapes or designs likely to mislead the consumer as to actual capacity, as well as the headspace and tolerance requirements, be made applicable to containers for these products. Cordials and liqueurs, and specialties would continue to be exempt from the standards of fill requirements.

7. *Statement of manufacturing process for distilled gin.* Treasury Decision 6973 adopted a single standard of identity for gin, whether produced by distillation or compounding. However, gins made solely by distillation may continue to be labeled as "distilled."

Since all domestic gins are produced pursuant to approved statements of process, a determination can readily be made as to whether it is entitled to be described as "distilled." In order to make such determinations for imported gins, it is proposed to amend the regulations to require applications for certificates of approval covering labels bearing the word "distilled" to be accompanied by a statement, prepared by the manufacturer, setting forth a description of the manufacturing process.

8. *Editorial and clarifying changes.* All other proposed changes in the regulations are believed to be of an editorial, clarifying, conforming nature and include revisions made pursuant to earlier hearings, as well as the deletion of obsolete material.

27 CFR Part 5 is proposed for reissuance as follows:

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

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5.1 General.

Subpart B—Definitions

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Subpart E—Standards of Fill for Bottled Distilled Spirits

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Subpart G—Requirements for Approval of Labels of Domestically Bottled Distilled Spirits

5.55 Certificates of label approval.
5.56 Certificates of age and origin.

Subpart H—Advertising of Distilled Spirits

5.61 Application.
5.62 Definition.
5.63 Mandatory statements.
5.64 Lettering.
5.65 Prohibited statements.

AUTHORITY: The provisions of this Part 5 issued under 49 Stat. 981, as amended; 27 U.S.C. 205.

CROSS REFERENCES: Other regulations relating to this part are as follows:

27 CFR, Part 1—Basic Permit Requirements Under the Federal Alcohol Administration Act.
27 CFR, Part 2—Nonindustrial Use of Distilled Spirits and Wine.
27 CFR, Part 3—Bulk Sales and Bottling of Distilled Spirits.
27 CFR, Part 4—Labeling and Advertising of Wine.
27 CFR, Part 7—Labeling and Advertising of Malt Beverages.
26 CFR, Part 173—Returns of Substances, Articles or Containers.
26 CFR, Part 200—Rules of Practice in Permit Proceedings.
26 CFR, Part 201—Distilled Spirits Plants.
26 CFR, Part 250—Liquors and Articles From Puerto Rico and the Virgin Islands.
26 CFR, Part 251—Importation of Distilled Spirits, Wines and Beer.
26 CFR, Part 252—Exportation of Liquors.

Subpart A—Scope

§ 5.1 General.

The regulations in this part relate to the labeling and advertising of distilled spirits. This part applies to the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, but does not apply to distilled spirits for export.

Subpart B—Definitions

§ 5.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meaning ascribed in this section. Any other term defined in the Federal Alcohol Administration Act and used in this part shall have the same meaning assigned to it by such Act.

Age. The period during which, after distillation and before bottling, distilled spirits have been stored in oak containers. "Age" for bourbon whisky, rye whisky, wheat whisky, malt whisky, or rye malt whisky, and straight whiskies other than straight corn whisky, means the period the whisky has been stored in charred new oak containers.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, the regional commissioner.

Bottle. Any container, irrespective of the material from which made, used for the sale of distilled spirits at retail.

Brand label. The principal display panel that is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale, and any other label appearing on the same side of the bottle as the principal display panel. The principal display panel appearing on a cylindrical surface is that 40 percent of the circumference which is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C. 20224.

Distilled spirits. Ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whisky, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for nonindustrial use, except that this term shall not include mixtures containing wine, bottled at 48° proof or less, if the mixture contains more than 50 percent wine on a proof gallon basis.

CAUTION: The exception clause above becomes effective July 1, 1972.

Gallon. United States gallon of 231 cubic inches of alcoholic beverage at 60° F. All other liquid measures used are subdivisions of the gallon as so defined.

In bulk. In containers having a capacity in excess of one wine gallon.

Interstate or foreign commerce. Commerce between any State and any place outside thereof, or commerce within any Territory or the District of Columbia, or between points within the same State but through any place outside thereof.

Permittee. Any person holding a basic permit under the Federal Alcohol Administration Act.

Person. Any individual, partnership, joint stock company, business trust, association, corporation, or other form of business enterprise, including a receiver, trustee, or liquidating agent and including an officer or employee of any agency of a State or political subdivision thereof; and the term "trade buyer" means any person who is a wholesaler or retailer.

Produced at. As used in §§ 5.22 and 5.52 in conjunction with specific degrees of proof to describe the standards of identity, means the composite proof of the spirits after completion of distillation and before reduction in proof.

Proof gallon. A gallon of liquid at 60° F. which contains 50 percent by volume of ethyl alcohol having a specific gravity of 0.7939 at 60° F. referred to water at 60° F. as unity, or the alcoholic equivalent thereof.

United States. The several States and Territories and the District of Columbia; the term "State" includes a Territory and the District of Columbia; and the term "Territory" means the Commonwealth of Puerto Rico.

Subpart C—Standards of Identity for Distilled Spirits

§ 5.21 Application of standards.

The standards of identity for the several classes and types of distilled spirits set forth in this part shall be applicable only to distilled spirits for beverage or other nonindustrial purposes.

§ 5.22 The standards of identity.

Standards of identity for the several classes and types of distilled spirits set forth in this section shall be as follows (see also § 5.35, class and type):

(a) *Class 1; neutral spirits or alcohol.* "Neutral spirits" or "alcohol" are distilled spirits produced from any material at or above 190° proof, and, if bottled, bottled at not less 80° proof.

(1) "Vodka" is neutral spirits so distilled, or so treated after distillation with charcoal or other materials, as to be without distinctive character, aroma, taste, or color.

(2) "Grain spirits" are neutral spirits distilled from a fermented mash of grain and stored in oak containers.

CAUTION: Section 5.22(a)(2) becomes effective July 1, 1972.

(b) *Class 2; whisky.* "Whisky" is an alcoholic distillate from a fermented mash of grain produced at less than 190° proof, reduced to not more than 125° proof before storage in oak containers (except that "corn whisky" need not be so stored), and bottled at not less than 80° proof; and also includes mixtures of such distillates for which no specific standards of identity are prescribed.

CAUTION: Section 5022(b) below becomes effective July 1, 1972, and replaces paragraph (b) above.

(b) *Class 2; whisky.* "Whisky" is an alcoholic distillate from a fermented mash of grain produced at less than 190° proof, stored in oak containers (except that "corn whisky" need not be so stored), and bottled at not less than 80° proof; and also includes mixtures of such distillates for which no specific standards of identity are prescribed.

(1) (i) "Bourbon whisky", "rye whisky", "wheat whisky", "malt whisky", or "rye malt whisky" is whisky produced at not exceeding 160° proof from a fermented mash of not less than 51 percent corn, rye, wheat, malted barley, or malted rye grain, respectively, and stored at not more than 125° proof in charred new oak containers; and also includes mixtures of such whiskies of the same type.

(ii) "Corn whisky" is whisky produced at not exceeding 160° proof from a fermented mash of not less than 80 percent corn grain, and if stored in oak containers stored at not more than 125° proof in used or uncharred new oak containers and not subjected in any manner to treatment with charred wood; and also includes mixtures of such whisky.

(iii) Whiskies conforming to the standards prescribed in subdivisions (i) and (ii) of this subparagraph, which have been stored in the type of oak containers prescribed, for a period of 2 years or more shall be further designated as "straight"; for example, "straight bourbon whisky", "straight corn whisky", and whisky conforming to the standards prescribed in subdivision (i) of this subparagraph, except that it was produced from a fermented mash of less than 51 percent of any one type of grain, and stored for a period of 2 years or more in charred new oak containers shall be designated merely as "straight whisky". No other whiskies may be designated "straight". "Straight whisky" includes mixtures of straight whiskies which are homogeneous under section 5025(e)(5), Internal Revenue Code (26 U.S.C. 5025 (e)(5)), and implementing regulations in 26 CFR Part 201, and also mixtures of straight whiskies of the same type produced by the same proprietor at the same distillery all of which are not less than 4 years old.

(2) "Whisky distilled from bourbon (rye, wheat, malt, or rye malt) mash" is whisky produced in the United States at not exceeding 160° proof from a fermented mash of not less than 51 percent corn, rye, wheat, malted barley, or malted rye grain, respectively, and stored in used oak containers; and also includes mixtures of such whiskies of the same type. Whisky conforming to the standard of identity for corn whisky must be designated corn whisky.

(3) "Light Whisky" is whisky produced in the United States at more than 160° proof, on and after January 26, 1968, and stored in used or uncharred new oak containers; and also includes mixtures of such whiskies. If "light whisky" is mixed with less than 20 percent of straight whisky on a proof gallon basis, the mixture shall be designated "blended light whisky" (light whisky—a blend).

CAUTION: Section 5.22(b)(3) becomes effective July 1, 1972).

(4) "Blended whisky" (whisky—a blend) is a mixture which contains at least 20 percent of straight whisky on a proof gallon basis and, separately or in combination, whisky or neutral spirits. A blended whisky containing not less than 51 percent on a proof gallon basis of one of the types of straight whisky shall be further designated by that specific type of straight whisky; for example, "blended rye whisky" (rye whisky—a blend).

(5) "A blend of straight whiskies" (blended straight whiskies) is a mixture of straight whiskies. A blend of straight whiskies consisting entirely of one of the types of straight whisky, and not conforming to the standard for "straight whisky", shall be further designated by that specific type of straight whisky; for example, "a blend of straight rye whiskies" (blended straight rye whiskies).

(6) "Spirit whisky" is a mixture of neutral spirits and not less than 5 percent on a proof gallon basis of whisky, or straight whisky, or straight whisky and whisky, if the straight whisky component is less than 20 percent on a proof gallon basis.

(7) "Scotch whisky" is whisky which is a distinctive product of Scotland, manufactured in Scotland in compliance with the laws of the United Kingdom regulating the manufacture of Scotch whisky for consumption in the United Kingdom: *Provided,* That if such product is a mixture of whiskies, such mixture is "blended Scotch whisky" (Scotch whisky—a blend).

(8) "Irish whisky" is whisky which is a distinctive product of Ireland, manufactured either in the Republic of Ireland or in Northern Ireland, in compliance with their laws regulating the manufacture of Irish whisky for home consumption: *Provided,* That if such product is a mixture of whiskies, such mixture is "blended Irish whisky" (Irish whisky—a blend).

(9) "Canadian whisky" is whisky which is a distinctive product of Canada, manufactured in Canada in compliance with the laws of Canada regulating the manufacture of Canadian whisky for consumption in Canada: *Provided,* That if such product is a mixture of whiskies, such mixture is "blended Canadian whisky" (Canadian whisky—a blend).

(c) *Class 3; gin.* "Gin" is a product obtained by original distillation from mash, or by redistillation of distilled spirits, or by mixing neutral spirits, with or over juniper berries and other aromatics, or with or over extracts derived from infusions, percolations, or maceration of

such materials, and includes mixtures of gin and neutral spirits. It shall derive its main characteristic flavor from juniper berries and be bottled at not less than 80° proof. Gin produced exclusively by original distillation or by redistillation may be further designated as "distilled". "Dry gin" (London dry gin), "Geneva gin" (Hollands gin), and "Old Tom gin" (Tom gin) are types of gin known under such designations.

(d) *Class 4; brandy.* "Brandy" is an alcoholic distillate from the fermented juice, mash, or wine of fruit, or from the residue thereof, produced at less than 190° proof, and bottled at not less than 80° proof. Brandy, or mixtures thereof, not conforming to any of the standards in subparagraphs (1)–(8) of this paragraph shall be designated as "brandy", and such designation shall be immediately followed by a truthful and adequate statement of composition.

(1) "Fruit brandy" is brandy distilled solely from the fermented juice or mash of whole, sound, ripe fruit, or from standard grape, citrus, or other fruit wine, with or without the addition of not more than 20 percent by weight of the pomace of such juice or wine, or 30 percent by volume of the lees of such wine, or both (calculated prior to the addition of water to facilitate fermentation or distillation). Fruit brandy shall include mixtures of such brandy with not more than 30 percent (calculated on a proof gallon basis) of lees brandy. Fruit brandy, derived from grapes, shall be designated as "grape brandy" or "brandy", except that in the case of brandy (other than neutral brandy, pomace brandy, marc brandy or grappa brandy) distilled from the fermented juice, mash, or wine of grapes, or the residue thereof, which has been stored in oak containers for less than two years, the statement of class and type shall be immediately preceded, in the same size and kind of type, by the word "immature". Fruit brandy, other than grape brandy, derived from one variety of fruit, shall be designated by the word "brandy" qualified by the name of such fruit (for example, "peach brandy"), except that "apple brandy" may be designated "applejack". Fruit brandy derived from more than one variety of fruit shall be designated as "fruit brandy" qualified by a truthful and adequate statement of composition.

(2) "Cognac", or "Cognac (grape) brandy", is grape brandy distilled in the Cognac region of France, which is entitled to be so designated by the laws and regulations of the French government.

(3) "Dried fruit brandy" is brandy that conforms to the standard for fruit brandy except that it has been derived from sound, dried fruit, or from the standard wine of such fruit. Brandy derived from raisins, or from raisin wine, shall be designated as "raisin brandy". Other brandies shall be designated in the same manner as fruit brandy from the corresponding variety or varieties of fruit except that the name of the fruit shall be qualified by the word "dried".

(4) "Lees brandy" is brandy distilled from the lees of standard grape, citrus, or other fruit wine, and shall be designated as "lees brandy", qualified by the name of the fruit from which such lees are derived.

(5) "Pomace brandy", or "marc brandy", is brandy distilled from the skin and pulp of sound, ripe grapes, citrus or other fruit, after the withdrawal of the juice or wine therefrom, and shall be designated as "pomace brandy", or "marc brandy", qualified by the name of the fruit from which derived. Grape pomace brandy may be designated as "grappa" or "grappa brandy".

(6) "Residue brandy" is brandy distilled wholly or in part from the fermented residue of fruit or wine, and shall be designated as "residue brandy" qualified by the name of the fruit from which derived. Brandy distilled wholly or in part from residue materials which conforms to any of the standards set forth in subparagraphs (1), (3), (4), and (5) of this paragraph may, regardless of such fact, be designated "residue brandy", but the use of such designation shall be conclusive, precluding any later change of designation.

(7) "Neutral brandy" is brandy produced at more than 170° proof and shall be designated in accordance with the standards in this paragraph, except that the designation shall be qualified by the word "neutral"; for example, "neutral citrus residue brandy".

(8) "Substandard brandy" shall bear as a part of its designation the word "substandard", and shall include:

(i) Any brandy distilled from fermented juice, mash, or wine having a volatile acidity, calculated as acetic acid and exclusive of sulphur dioxide, in excess of 0.20 gram per 100 cubic centimeters (20° C.); measurements of volatile acidity shall be calculated exclusive of water added to facilitate distillation.

(ii) Any brandy which has been distilled from unsound, moldy, diseased, or decomposed juice, mash, wine, lees, pomace, or residue, or which shows in the finished product any taste, aroma, or characteristic associated with products distilled from such material.

(e) *Class 5; blended applejack.* "Blended applejack" (applejack—a blend) is a mixture which contains at least 20 percent of apple brandy (applejack) on a proof gallon basis, stored in oak containers for not less than 2 years, and not more than 80 percent of neutral spirits on a proof gallon basis if such mixture at the time of bottling is not less than 80° proof.

(f) *Class 6; rum.* "Rum" is an alcoholic distillate from the fermented juice of sugarcane, sugarcane syrup, sugarcane molasses, or other sugarcane byproducts produced at less than 190° proof, stored in oak containers for a minimum of 1 year, and bottled at not less than 80° proof; and also includes mixtures solely of such distillates.

(g) *Class 7; tequila.* "Tequila" is an alcoholic distillate from the fermented mash of the Maguey plant produced at less than 190° proof which is a distinctive product of Mexico, manufactured in Mexico in compliance with the laws of Mexico regulating the manufacture of tequila for consumption in Mexico, and bottled at not less than 80° proof; and also includes mixtures solely of such distillates.

(h) *Class 8; cordials and liqueurs.* Cordials and liqueurs are products obtained by mixing or redistilling distilled spirits with or over fruits, flowers, plants, or pure juices therefrom, or other natural flavoring materials, or with extracts derived from infusions, percolation, or maceration of such materials, and containing sugar, dextrose, or levulose, or a combination thereof, in an amount not less than 2½ percent by weight of the finished product.

(1) "Sloe gin" is a cordial or liqueur with the main characteristic flavor derived from sloe berries.

(2) "Rye liqueur", "bourbon liqueur" (rye, bourbon cordial) are liqueurs, bottled at not less than 60° proof, in which not less than 51 percent, on a proof gallon basis, of the distilled spirits used are, respectively, rye or bourbon whisky, straight rye or straight bourbon whisky, or whisky distilled from a rye or bourbon mash, and which possess a predominant characteristic rye or bourbon flavor derived from such whisky. Wine, if used, must be within the 2½ percent limitation provided in § 5.23 for coloring, flavoring, and blending materials.

(3) "Rock and rye," "rock and bourbon," "rock and brandy," "rock and rum," are liqueurs, bottled at not less than 48° proof, in which, in the case of rock and rye and rock and bourbon, not less than 51 percent, on a proof gallon basis, of the distilled spirits used are, respectively, rye or bourbon whisky, straight rye or straight bourbon whisky, or whisky distilled from a rye or bourbon mash, and, in the case of rock and brandy and rock and rum, the distilled spirits used are all grape brandy or rum respectively; containing rock candy or sugar syrup, with or without the addition of fruit, fruit juices, or other natural flavoring materials, and possessing, respectively, a predominant characteristic rye, bourbon, brandy, or rum flavor derived from the distilled spirits used. Wine, if used, must be within the 2½ percent limitation provided in § 5.23 for harmless coloring, flavoring, and blending materials.

(4) The designation of a cordial or liqueur may include the word "dry" if the sugar, dextrose, or levulose, or a combination thereof, are less than 10 percent by weight of the finished product.

(5) Cordials and liqueurs shall not be designated as "distilled" or "compound".

(i) *Class 9; flavored brandy, flavored gin, flavored rum, flavored vodka, and flavored whisky.* "Flavored brandy," "flavored gin," "flavored rum," "flavored vodka," and "flavored whisky," are brandy, gin, rum, vodka, and whisky, respectively, to which have been added natural flavoring materials, with or without the addition of sugar, and bottled at not less than 70° proof. The name of the predominant flavor shall appear as a

part of the designation. If the finished product contains more than 2½ percent by volume of wine, the kinds and percentages by volume of wine must be stated as a part of the designation, except that a flavored brandy may contain an additional 12½ percent by volume of wine, without label disclosure, if the additional wine is derived from the particular fruit corresponding to the labeled flavor of the product.

(j) *Class 10; imitations.* Imitations shall bear, as a part of the designation thereof, the word "imitation" and shall include the following:

(1) Any class or type of distilled spirits to which has been added coloring or flavoring material of such nature as to cause the resultant product to simulate any other class or type of distilled spirits;

(2) Any class or type of distilled spirits (other than distilled spirits required under § 5.35 to bear a distinctive or fanciful name and a truthful and adequate statement of composition) to which has been added artificial or imitation flavors;

(3) Any class or type of distilled spirits (except cordials, liqueurs and specialties marketed under labels which do not indicate or imply, that a particular class or type of distilled spirits was used in the manufacture thereof) to which has been added any whisky essence, brandy essence, rum essence, or similar essence or extract which simulates or enhances, or is used by the trade or in the particular product to simulate or enhance, the characteristics of any class or type of distilled spirits;

(4) Any type of whisky to which beading oil has been added;

(5) Any rum or tequila, to which neutral spirits or distilled spirits other than rum or tequila, respectively, have been added;

(6) Any brandy made from distilling material to which has been added any amount of sugar other than the kind and amount of sugar expressly authorized in the production of standard wine; and

(7) Any brandy to which neutral spirits or distilled spirits other than brandy has been added, except that this provision shall not apply to any product conforming to the standard of identity for blended applejack.

(k) *Class 11; Geographical designations.* (1) Geographical names for distinctive types of distilled spirits (other than names found by the Director under subparagraph (2) of this paragraph to have become generic) shall not be applied to distilled spirits produced in any other place than the particular region indicated by the name, unless (i) in direct conjunction with the name there appears the word "type" or the word "American" or some other adjective indicating the true place of production, in lettering substantially as conspicuous as such name, and (ii) the distilled spirits to which the name is applied conform to the distilled spirits of that particular region. The following are examples of distinctive types of distilled spirits with geographical names that have not become generic: Eau de Vie de Dantzig Danziger Goldwasser), Ojen, Swedish punch. Geographical names for distinctive types of distilled spirits shall be used to designate only distilled spirits conforming to the standard of identity, if any, for such type specified in this section, or if no such standard is so specified, then in accordance with the trade understanding of that distinctive type.

(2) Only such geographical names for distilled spirits as the Director finds have by usage and common knowledge lost their geographical significance to such extent that they have become generic shall be deemed to have become generic. Examples are London dry gin, Geneva (Hollands) gin.

(3) Geographical names that are not names for distinctive types of distilled spirits, and that have not become generic, shall not be applied to distilled spirits produced in any other place than the particular place or region indicated in the name. Examples are Cognac, Armagnac, Greek brandy, Pisco brandy, Jamaica rum, Puerto Rico rum, Demerara rum.

(4) The words "Scotch", "Scots", "Highland" or "Highlands" and similar words connoting, indicating, or commonly associated with Scotland, shall not be used to designate any product not wholly produced in Scotland.

(5) The name of any State which the Director finds is associated by consumers with any type of domestically produced whisky shall not appear in any manner on any label for light whisky, as defined in paragraph (b)(3) of this section, except as a part of the name and address requirements set forth in § 5.36.

(l) *Class 12; products without geographical designations but distinctive of a particular place.* (1) The whiskies of the types specified in paragraph (b)(1), (4), (5), and (6) of this section are distinctive products of the United States, and if produced in a foreign country, shall be designated by the applicable designation prescribed in such paragraphs, together with the words "American type" or the words "produced (distilled, blended) in _____", the blank to be filled in with the name of the foreign country: *Provided,* That the word "bourbon" shall not be used to describe any whisky or whisky-based distilled spirits not produced in the United States. If whisky of any of these types is composed in part of whisky or whiskies produced in a foreign country there shall be stated, on the brand label, the percentage of such whisky and the country of origin thereof.

(2) The name for other distilled spirits which are distinctive products of a particular place or country, an example is Habanero, shall not be given to the product of any other place or country unless the designation for such product includes the word "type" or an adjective such as "American", or the like, clearly indicating the true place of production. The provision for place of production shall not apply to designations which by usage and common knowledge have lost their geographical significance to such an extent that the Director finds they have become generic. Examples are Slivovitz, Zubrovka, Aquavit, Arrack, and Kirschwasser.

§ 5.23 Alteration of class and type.

(a) *Additions.* (1) The addition of any coloring, flavoring, or blending materials to any class and type of distilled spirits, except as otherwise provided in this section, alters the class and type thereof and the product shall be appropriately redesignated.

(2) There may be added to any class or type of distilled spirits, without changing the class or type thereof, (i) such harmless coloring, flavoring, or blending materials as are an essential component part of the particular class or type of distilled spirits to which added, and (ii) harmless coloring, flavoring, or blending materials such as caramel, straight malt or straight rye malt whiskies, fruit juices, sugar, or wine, which are not an essential component part of the particular distilled spirits to which added, but which are customarily employed therein in accordance with established trade usage, if such coloring, flavoring, or blending materials do not total more than 2½ percent by volume of the finished product.

(3) "Harmless coloring, flavoring, and blending materials" shall not include (i) any material which would render the product to which it is added an imitation, or (ii) any material whatsoever in the case of neutral spirits or straight whisky, or (iii) any material, other than caramel and sugar, in the case of cognac brandy.

(b) *Extractions.* The removal from any distilled spirits of any constituents to such an extent that the product does not possess the taste, aroma, and characteristics generally attributed to that class or type of distilled spirits alters the class and type thereof, and the product shall be appropriately redesignated. In addition, in the case of straight whisky the removal of more than 15 percent of the fixed acids, or volatile acids, or esters, or soluble solids, or higher alcohols, or more than 25 percent of the soluble color, shall be deemed to alter the class or type thereof.

(c) *Exceptions.* This section shall not be construed as in any manner modifying the standards of identity for cordials and liqueurs, flavored brandy, flavored gin, flavored rum, flavored vodka, and flavored whisky or as authorizing any product which is defined in § 5.22(j), Class 10, as an imitation to be otherwise designated.

Subpart D—Labeling Requirements for Distilled Spirits

§ 5.31 General.

(a) *Application.* No person engaged in business as a distiller, rectifier, importer, wholesaler, or warehouseman and bottler, directly or indirectly, or through an affiliate, shall sell or ship or deliver for sale or shipment or otherwise introduce in interstate or foreign commerce, or receive therein, or remove from customs custody, any distilled spirits in bottles, unless such bottles are marked, branded, labeled, or packaged, in conformity with §§ 5.31–5.42.

(b) *Alteration of labels.* It shall be unlawful for any person to alter, mutilate,

destroy, obliterate, or remove any mark, brand, or label on distilled spirits held for sale in interstate or foreign commerce or after shipment therein, except

(1) As authorized by Federal law,

(2) That the assistant regional commissioner or the internal revenue officer, if any, assigned to the distilled spirits plant premises may, on oral or written application, permit additional labeling or relabeling of bottled distilled spirits with labels covered by certificates of label approval which comply with the requirements of this part and with State law,

(3) That there may be added to the bottle, after removal from customs custody, or prior to or after removal from the bottling premises, without application for permission to relabel, a label identifying the wholesale of retail distributor thereof or identifying the purchaser or consumer, and containing no references whatever to the characteristics of the product.

§ 5.32 Mandatory label information.

There shall be stated:

(a) On the brand label:

(1) Brand name.

(2) Class and type, in accordance with § 5.35.

(3) Alcoholic content, in accordance with § 5.37.

(4) In the case of distilled spirits packaged in containers for which no standard of fill is prescribed in § 5.47, net contents in accordance with § 5.38(b).

(b) On the brand label or on a back label:

(1) Name and address, in accordance with § 5.36.

(2) In the case of imported spirits, the country of origin, in accordance with § 5.36.

(3) In the case of distilled spirits packaged in containers conforming to the standards of fill prescribed in § 5.47, net contents in accordance with § 5.38 (a).

(4) Coloring or flavoring, in accordance with § 5.39.

(5) Percentage of neutral spirits and name of commodity from which distilled, or in the case of continuously distilled neutral spirits or gin the name of the commodity only, in accordance with § 5.39.

(6) A statement of age or age and percentage, when required, in accordance with § 5.40.

§ 5.33 Additional requirements.

(a) *Contrasting background.* Labels shall be so designed that the statements required by §§ 5.31–5.42 are readily legible under ordinary conditions, and such statements shall be on a contrasting background.

(b) *Size of type.* Statements required by §§ 5.31–5.42 (except brand names) shall appear generally parallel to the base on which the container rests as it is designed to be displayed, or shall be otherwise equally conspicuous, and shall be in script, type, or printing not smaller than 8-point Gothic caps and shall be separate and apart from any other descriptive or explanatory matter, except that, in the case of labels on bottles of less than one-half pint capacity, such script, type, or printing may be smaller than 8-point Gothic caps if readily legible under ordinary conditions. Statements of the type of distilled spirits shall be as conspicuous as the statement of the class to which it refers, and in direct conjunction therewith.

(c) *English language.* The requirements of §§ 5.31–5.42 shall be stated in the English language, except that the brand name need not be in English, and for products bottled for consumption within Puerto Rico the required information may be stated in the Spanish language if the net contents and, if the product is an imitation, the word "imitation" are also stated in the English language.

(d) *Location of label.* Labels shall not obscure government stamps or be obscured thereby. Labels shall not obscure any markings or information required to be permanently marked in the bottle by other U.S. Treasury Department regulations.

(e) *Labels firmly affixed.* Labels which are not an integral part of the bottle shall be affixed to bottles in such manner that they cannot be removed without thorough application of water or other solvents.

(f) *Additional information on labels.* Labels may contain information other than the mandatory label information required by §§ 5.31–5.42 provided such information does not conflict with, nor in any manner qualify, statements required by regulations promulgated under the Act.

(g) *Contents of bottles.* A complete and accurate statement of the contents of the bottles to which labels are to be or have been affixed shall be submitted, on request, to the Director or the assistant regional commissioner.

§ 5.34 Brand names.

(a) *Misleading brand names.* No label shall contain any brand name, which, standing alone, or in association with other printed or graphic matter, creates any impression or inference as to the age, origin, identity, or other characteristics of the product unless the Director finds that such brand name (when appropriately qualified if required) conveys no erroneous impressions as to the age, origin, identity, or other characteristics of the product.

(b) *Trade name of foreign origin.* Paragraph (a) of this section does not prohibit the use by any person of any trade name or brand of foreign origin not effectively registered in the United States Patent Office on August 29, 1935, which has been used by such person or his predecessors in the United States for a period of at least 5 years immediately preceding August 29, 1935: *Provided,* That if such trade name or brand is used, the designation of the product shall be qualified by the name of the locality in the United States in which produced, and such qualification shall be in script, type, or printing as conspicuous as the trade name or brand.

§ 5.35 Class and type.

(a) *Designation of product.* The class and type of distilled spirits shall be stated in conformity with § 5.22 if defined therein, unless the application of such designation will result in consumer deception because the product does not possess the taste, aroma, and characteristics generally attributed to such class and type. In all other instances the product shall be designated in accordance with trade and consumer understanding thereof, or, if no such understanding exists, by a distinctive or fanciful name, and in either case (except as provided in paragraph (b) (2) of this section) followed by a truthful and adequate statement of composition. The word "cordial" or "liqueur" need not be stated in the case of cordials and liqueurs unless the Director finds such word is necessary to clearly indicate that the product is a cordial or liqueur.

(b) *Products designed in accordance with trade and consumer understanding.* In the case of products designated in accordance with trade and consumer understanding—

(1) A statement of the classes and types of distilled spirits used in the manufacture thereof shall be deemed a sufficient statement of composition in the case of highballs, cocktails, and similar prepared specialties when the designation adequately indicates to the consumer the general character of the product.

(2) No statement of composition is required if the designation through general and established usage adequately indicates to the consumer the composition of the product.

A product shall not bear a designation which indicates it contains a class or type of distilled spirits unless the distilled spirits therein conform to such class and type.

(c) *Origin of whiskies in mixtures.* In the case of any of the types of whiskey defined in § 5.22(b), Class 2, which contains any whiskey or whiskies produced in a country other than that indicated by the type designation, there shall be stated on the brand label the percentage of such whiskey and the country of origin thereof. In the case of mixtures of whiskey, not conforming to any type designation in § 5.22(b), Class 2, the components of which were distilled in more than one country, there shall be stated in direct conjunction with the class designation "whisky" a truthful and adequate statement of the composition of the product.

(d) *Cordials and liqueurs.* The alcoholic components of cordials and liqueurs may, but need not, be stated on labels.

§ 5.36 Name and address.

(a) *"Bottled by".* (1) On labels of domestic distilled spirits there shall be stated the phrase "bottled by", immediately followed by the name (or trade name) of the bottler and the place where such distilled spirits are bottled. If the bottler is the actual bona fide operator of more than one distilled spirits plant engaged in bottling operations, there

may, in addition, be stated immediately following the name (or trade name) of such bottler the addresses of such other plants.

(2) Where distilled spirits are bottled by or for the distiller thereof, there may be stated, in lieu of the phrase "bottled by", followed by the bottler's name (or trade name) and address, the phrase "distilled by", followed by the name, or the trade name under which the particular spirits were distilled, or (except in the case of distilled spirits bottled in bond under section 5233, Internal Revenue Code (26 U.S.C. 5233)) any trade name shown on the distiller's permit (covering the premises where the particular spirits were distilled), and the address (or addresses) of the distiller.

(3) Where distilled spirits are bottled by or for the rectifier thereof, there may be stated, in lieu of the phrase "bottled by", followed by the bottler's name (or trade name) and address, the phrases "blended by", "made by", "prepared by", "manufactured by", or "produced by" (whichever may be appropriate to the act of rectification involved) followed by the name (or trade name), and the address (or addresses) of the rectifier.

(b) *"Imported by".* (1) On labels of imported distilled spirits, bottled prior to importation, there shall be stated the words "imported by," "imported exclusively by," or a similar appropriate phrase, and immediately thereafter the name of the importer, or exclusive agent, or sole distributor, or other person responsible for the importation, together with the principal place of business in the United States of such person.

(2) On labels of imported distilled spirits bottled after importation by a person other than the person responsible for the importation there shall be stated:

(i) The name of the bottler and place where bottled, immediately preceded by the words "bottled by"; or

(ii) The name of the bottler and place where bottled, immediately preceded by the words "bottled by" and in conjunction therewith the name and address of the person responsible for the importation, in the manner prescribed in subparagraph (1) of this paragraph; or

(iii) The name and principal place of business in the United States of the person responsible for the importation, if the spirits are bottled for such person, immediately preceded by the phrase "imported by and bottled in the United States for" (or a similar appropriate phrase).

(3) On labels of imported distilled spirits bottled after importation by the person responsible for the importation, there shall be stated the words "imported and bottled by," "imported and bottled exclusively by," or a similar appropriate phrase, and immediately thereafter the name of such person and the address of the place where bottled or the address of such person's principal place of business.

(c) *Post office address.* The "place" stated shall be the post office address, including ZIP Code, except that the street address may be omitted. No additional places or addresses shall be stated for the same person, firm or corporation, unless (1) such person or retailer is actively engaged in the conduct of an additional bona fide and actual alcoholic beverage business at such additional place or address, and (2) the label also contains in direct conjunction therewith, appropriate descriptive material indicating the function occurring at such additional place or address.

(d) *Country of origin.* On labels of imported distilled spirits there shall be stated the country of origin in substantially the following form "Product of _____," the blank to be filled in with the name of the country of origin.

(e) *Trade names.* The trade name of any permittee appearing on any label shall be identical with the name in which his basic permit is issued by the assistant regional commissioner.

§ 5.37 Alcoholic content.

The alcoholic content shall be stated by proof for distilled spirits except that it may be stated in percentage by volume for cordials and liqueurs, cocktails, highballs, bitters, and such other specialties as may be specified by the Director.

§ 5.38 Net contents.

(a) *Bottles conforming to standards of fill.* The net contents of distilled spirits for which a standard of fill is prescribed in § 5.47 shall be stated in the same manner and form in which such standard of fill is set forth. Such net contents need not be stated on the label if they are legibly blown, etched, sandblasted, marked by underglaze coloring, or otherwise permanently marked by any method approved by the Director, on the side, front, or back of the container in an unobscured location. Containers of one-half pint or greater capacity must bear letters and figures of not less than one-quarter inch height.

(b) *Bottles not conforming to standards of fill.* The net contents of distilled spirits for which no standard of fill is prescribed in § 5.47 shall be stated as follows:

(1) If 1 pint, 1 quart, or 1 gallon, the net contents shall be so stated.

(2) If less than a pint, the net contents shall be stated in fractions of a pint, or in fluid ounces.

(3) If more than a pint, but less than a quart, the net contents shall be stated in fractions of a quart, or in pints and fluid ounces.

(4) If more than a quart, but less than a gallon, the net contents shall be stated in fractions of a gallon, or in quarts, pints, and fluid ounces.

All fractions shall be expressed in their lowest denomination.

(c) *Qualifying statements.* Words or phrases qualifying statements of net contents are prohibited.

§ 5.39 Presence of neutral spirits and coloring, flavoring, and blending materials.

(a) *Neutral spirits and name of commodity.* (1) In the case of distilled spirits (other than cordials, liqueurs, and specialties) produced by blending or rectification, if neutral spirits have been used in the production thereof, there shall be stated the percentage of neutral spirits so used and the name of the commodity from which such neutral spirits have been distilled. The statement of percentage and the name of the commodity shall be made in substantially the following form: "_____% neutral spirits distilled from _____ (insert grain, cane products, or fruit, as appropriate)"; or "_____% neutral spirits (vodka) distilled from _____ (insert grain, cane products, or fruit, as appropriate)"; or "_____% grain (cane products), (fruit) neutral spirits"; or "_____% grain spirits."

(2) In the case of neutral spirits or of gin produced by a process of continuous distillation, there shall be stated the name of the commodity from which such neutral spirits or gin have been distilled. The statement of the name of the commodity shall be made in substantially the following form: "Distilled from grain," or "Distilled from cane products," or "Distilled from fruit."

(b) *Coloring materials.* The words "artifically colored" shall be stated on the label of any distilled spirits containing synthetic or natural materials which primarily contribute color, or when the label conveys the impression that the color is derived from a source other than the actual source, except that

(1) If no coloring material other than natural flavoring material has been added, there may be stated in lieu of the words "artifically colored" a truthful and adequate statement of the source of the color;

(2) If no coloring material other than those certified as suitable for use in foods by the Food and Drug Administration has been added, there may be stated in lieu of the words "artificially colored," the words "certified color added"; and

(3) If no coloring material other than caramel has been added, there may be stated in lieu of the words "artificially colored," the words "colored with caramel," or a substantially similar statement, but no such statement is required for the use of caramel in any brandy, rum, or tequila, or in any type of whisky other than straight whisky.

(c) *Treatment with wood.* The words "colored and flavored with wood (insert chips, slabs, etc., as appropriate)" shall be stated as a part of the class and type designation for whisky and brandy treated, in whole or in part, with wood through percolation, or otherwise, during distillation, rectification, or storage (other than through contact with the oak container).

§ 5.40 Statements of age and percentage.

(a) *Statements of age and percentage for whisky.* In the case of straight whisky bottled under section 5233, Internal Revenue Code (26 U.S.C. 5233), and domestic or foreign whisky, whether or not mixed or blended, all of which is 4 years or more old, statements of age are optional. As to all other whiskies there shall be stated the following:

(1) In the case of whisky, whether or not mixed or blended but containing no

neutral spirits, the age of the youngest whisky. The age statement shall read substantially as follows: "_____ years old."

(2) In the case of whisky containing neutral spirits, if any of the straight whisky and/or other whisky is less than 4 years old, the percentage by volume of straight whisky and/or other whisky, and the age of the straight whisky (the youngest if two or more) and the age of such other whisky (the youngest if 2 or more). If all the straight whisky and/or other whisky is 4 years or more old, the age and percentage statement for such whiskies is optional. The age and percentage statement for straight whiskies and/or other whisky, whether required or optional, shall be stated in immediate conjunction with the neutral spirits statement required by § 5.39, and shall read substantially as follows:

(i) If only one straight whisky and no other whisky is contained in the blend: "_____ percent straight whisky _____ years old."

(ii) If more than one straight whisky and no other whisky is contained in the blend: "_____ percent straight whiskies _____ years or more old." The age blank shall be filled in with the age of the youngest straight whisky. In lieu of the foregoing, a statement may be made of the ages and percentages of each of the straight whiskies contained in the blend: "_____ percent straight whisky _____ years old, _____ percent straight whisky _____ years old, and _____ percent straight whisky _____ years old.

(iii) If only one straight whisky and one other whisky is contained in the blend: "_____ percent straight whisky _____ years old, _____ percent whisky _____ years old."

(iv) If more than one straight whisky and more than one other whisky is contained in the blend: "_____ percent straight whiskies _____ years or more old, _____ percent whiskies _____ years or more old." The age blanks shall be filled in with the ages of the youngest straight whisky and the youngest other whisky. In lieu of the foregoing, a statement may be made of the ages and percentages of each of the straight whiskies and other whiskies contained in the blend: "_____ percent straight whisky _____ years old, _____ percent straight whisky _____ years old, _____ percent whisky _____ years old, and _____ percent whisky _____ years old."

(3) In the case of imported whiskies described in § 5.22(1), Class 12, the labels shall state the ages and percentages in the same manner and form as is required for the same type of whisky produced in the United States.

(4) Notwithstanding the foregoing provisions of this paragraph, in the case of whisky produced in the United States and stored in reused oak containers, except for corn whisky, and for light whisky produced on or after January 26, 1968, there shall be stated in lieu of the words "_____ years old" the period of storage in reused oak containers as follows: "* * * stored _____ years in reused cooperage."

(5) Optional age statements shall appear in the same form as required age statements.

(b) *Statements of age for rum, brandy, and tequila.* Age may, but need not, be stated on labels of rums, brandies, and tequila, except that an appropriate statement with respect to age shall appear on the brand label in case of brandy (other than immature brandies and fruit brandies which are not customarily stored in oak containers) not stored in oak containers for a period of at least 2 years. If age is stated, it shall be substantially as follows: "_____ years old"; the blank to be filled in with the age of the youngest distilled spirits in the product.

(c) *Statement of storage for grain spirits.* In the case of grain spirits, the period of storage in oak containers may be stated in immediate conjunction with the required percentage statement; for example, "_____ % grain spirits stored _____ years in oak containers."

(d) *Other distilled spirits.* Age, maturity, or similar statements or representations as to neutral spirits (except for grain spirits as stated in paragraph (c) of this section), gin, liqueurs, cordials, cocktails, highballs, bitters, flavored brandy, flavored gin, flavored rum, flavored vodka, flavored whisky, and specialties are misleading and are prohibited from being stated on any label.

(e) *Miscellaneous age representations.* (1) Age may be understated but shall not be overstated.

(2) If any age, maturity, or similar representation is made relative to any distilled spirits (such representations for products enumerated in paragraph (d) of this section are prohibited), the age shall also be stated on all labels where such representation appears, and in a manner substantially as conspicuous as such representation: *Provided,* That the use of the word "old" or other word denoting age, as part of the brand name, shall not be deemed to be an age representation: *And provided further,* That the labels of whiskies and brandies (except immature brandies) not required to bear a statement of age, and rum and tequila aged for not less than four years, may contain general inconspicuous age, maturity or similar representations without the label bearing an age statement.

§ 5.41 Bottle cartons, booklets and leaflets.

(a) *General.* An individual covering, carton, or other container of the bottle used for sale at retail (other than a shipping container), or any written, printed, graphic, or other matter accompanying the bottle to the consumer buyer shall not contain any statement, design, device, or graphic, pictorial, or emblematic representation that is prohibited by §§ 5.31–5.42 on labels.

(b) *Sealed opaque cartons.* If bottles are enclosed in sealed opaque coverings, cartons, or other containers used for sale at retail (other than shipping containers), such coverings, cartons, or other containers must bear all mandatory label information.

(c) *Other cartons.* If an individual covering, carton, or other container of the bottle used for sale at retail (other than a shipping container) is so designed that the bottle is readily removable and the covering carton or container is not sufficiently transparent to permit visibility of the mandatory label information on the bottle, and if it displays any written or printed material, other than the brand name and the name and address of the manufacturer, bottler, or importer (omitting any reference to the function performed by the permittee), such covering, carton, or other container must bear all mandatory label information.

§ 5.42 Prohibited practices.

(a) *Statements on labels.* Bottles containing distilled spirits, or any labels on such bottles, or any individual covering, carton, or other container of such bottles used for sale at retail, or any written, printed, graphic, or other matter accompanying such bottles to the consumer shall not contain:

(1) Any statement that is false or untrue in any particular or that, irrespective of falsity, directly or by ambiguity, omission, or inference, or by the addition of irrelevant, scientific, or technical matter, tends to create a misleading impression.

(2) Any statement that is disparaging of a competitor's product.

(3) Any statement, design, device, or representation which is obscene or indecent.

(4) Any statement, design, device, or representation of or relating to analyses, standards, or tests, irrespective of falsity, which the Director finds to be likely to mislead the consumer.

(5) Any statement, design, device, or representation of or relating to any guaranty, irrespective of falsity, which the Directory finds to be likely to mislead the consumer. Enforceable money - back guarantees are not prohibited.

(6) A trade or brand name that is the name of any living individual of public prominence, or existing private or public organization, or is a name that is in simulation or is an abbreviation thereof, or any graphic, pictorial, or emblematic representation of any such individual or organization, if the use of such name or representation is likely to falsely lead the consumer to believe that the product has been endorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of, such individual or organization: *Provided,* That this subparagraph shall not apply to the use of the name of any person engaged in business as a distiller, rectifier, blender, or other producer, or as an importer, wholesaler, retailer, bottler, or warehouseman, of distilled spirits, nor to the use by any person of a trade or brand name that is the name of any living individual of public prominence or existing private or public organization, provided such trade or brand name was used by him or his predecessors in interest prior to August 29, 1935.

(b) *Miscellaneous.* (1) Labels shall not be of such design as to resemble or simulate a stamp of the U.S. Government or and State or foreign government. Labels, other than stamps authorized or required by this or any other Government, shall not state or indicate that the distilled spirits are distilled, blended, made, bottled, or sold under, or in accordance with, any municipal, State, Federal, or foreign authorization, law, or regulations, unless such statement is required or specifically authorized by Federal, State, municipal, or foreign law or regulations. The statements authorized by this part to appear on labels for domestic distilled spirits are "Distilled (produced, barreled, warehoused, blended, or bottled, or any combination thereof, as the case may be) under United States (U.S.) Government supervision", or in the case of distilled spirits bottled under section 5233, Internal Revenue Code (26 U.S.C. 5233), "Bottled in bond under United States (U.S.) Government supervision." If the municipal, State, or Federal government permit number is stated on a label, it shall not be accompanied by any additional statement relating thereto.

(2) If imported distilled spirits are covered by a certificate of origin or of age issued by a duly authorized official of the appropriate foreign government, the label, except where prohibited by the foreign government, may refer to such certificate or the fact of such certification, but shall not be accompanied by any additional statement relating thereto. The reference to such certificate or certification shall, in the case of Cognac, be substantially in the following form: "This product accompanied at the time of importation by an 'Acquit Regional Jaune d'Or' issued by the French Government, indicating that this grape brandy was distilled in the Cognac Region of France"; and in the case of other distilled spirits, substantially in the following form: "This product accompanied at time of importation by a certificate issued by the _____ government (name of government) indicating that the product is _____ (class and type as required to be stated on the label), and (if label claims age) that none of the distilled spirits are of an age less than stated on this label."

(3) The words "bond," "bonded," "bottled in bond," "aged in bond," or phrases containing these or synonymous terms, shall not be used on any label or as part of the brand name of domestic distilled spirits unless such distilled spirits were in fact bottled in bond under section 5233, Internal Revenue Code (26 U.S.C. 5233).

(4) The words "bond," "bonded," "bottled in bond," "aged in bond," or phrases containing these or synonymous terms, shall not be used on any label or as part of the brand name of imported distilled spirits unless such distilled spirits meet in all respects the requirements applicable to distilled spirits bottled for domestic consumption under section 5233, Internal Revenue Code (26 U.S.C. 5233) and unless the laws and regulations of the country in which such distilled spirits are produced authorize the bottling of distilled spirits in bond and require or specifically authorize such distilled spirits to be so labeled. All spirits labeled as "bonded," "bottled in bond," or "aged in bond" pursuant to the provisions of this subparagraph shall bear in direct conjunction with such statement and in script, type or printing substantially as conspicuous as that used on such statement, the name of the country under whose laws and regulations such distilled spirits were so bottled.

(5) The word "pure" shall not be stated in any manner on any label unless as part of the bona fide name of a permittee or retailer for whom the distilled spirits are bottled.

(6) Distilled spirits shall not be labeled as "double distilled" or "triple distilled," or any similar term.

(7) Labels shall not contain any statement, design, device, or pictorial representation which the Director finds relates to, or is capable of being construed as relating to, the armed forces of the United States, or the American flag, or any emblem, seal, insignia, or decoration associated with such flag or armed forces; nor shall any label contain any statement, design, device, or pictorial representation of or concerning any flag, seal, coat of arms, crest or other insignia, likely to mislead the consumer to believe that the product has been endorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of the government, organization, family, or individual with whom such flag, seal, coat of arms, crest, or insignia is associated.

(8) Labels shall not contain any statement, design, or device representing that the use of any distilled spirits has curative or therapeutic effects if such statement is untrue in any particular or tends to create a misleading impression.

Subpart E—Standards of Fill for Bottled Distilled Spirits

§ 5.45 Application.

No person engaged in business as a distiller, rectifier, importer, wholesaler, or warehouseman and bottler, directly or indirectly, or through an affiliate, shall sell or ship or deliver for sale or shipment, or otherwise introduce in interstate or foreign commerce, or receive therein or remove from customs custody any distilled spirits in bottles unless such distilled spirits are bottled in conformity with §§ 5.46–5.48.

§ 5.46 Standard liquor bottles.

(a) *General.* A standard liquor bottle shall be one so made and formed, and so filled, as not to mislead the purchaser. An individual carton or other container of a bottle shall not be so designed as to mislead purchasers as to the size of the bottles.

(b) *Headspace.* A liquor bottle of a capacity of one-half pint or more shall be held to be so filled as to mislead the purchaser if it has a headspace in excess of 8 percent of the total capacity of the bottle after closure.

(c) *Design.* A liquor bottle shall be held (irrespective of the correctness of the stated net contents) to be so made and formed as to mislead the purchaser, if its actual capacity is substantially less than the capacity it appears to have upon visual examination under ordinary conditions of purchase or use.

§ 5.47 Standards of fill.

(a) *Authorized standards of fill.* The standards of fill for all distilled spirits, whether domestically manufactured, domestically bottled, or imported, subject to the tolerances allowed in this section, shall be as follows:

1 gal.	1 pt.
½ gal.	⅘ pt.
⅖ gal.	½ pt.
1 qt.	⅛ pt.
⅘ qt.	1/10 pt.
1/16 pt. (brandy only).	

(b) *Tolerances.* The following tolerances shall be allowed:

(1) Discrepancies due to errors in measuring which occur in filling conducted in compliance with good commercial practice.

(2) Discrepancies due to differences in the capacity of bottles, resulting solely from unavoidable difficulties in manufacturing such bottles to a uniform capacity: *Provided,* That no greater tolerance shall be allowed in case of bottles which, because of their design, cannot be made of approximately uniform capacity than is allowed in case of bottles which can be manufactured so as to be of approximately uniform capacity.

(3) Discrepancies in measure due to differences in atmospheric conditions in various places and which unavoidably result from the ordinary and customary exposure of alcoholic beverages in bottles to evaporation. The reasonableness of discrepancies under this paragraph shall be determined on the facts in each case.

(c) *Unreasonable shortages.* Unreasonable shortages in certain of the bottles in any shipment shall not be compensated by overages in other bottles in the same shipment.

§ 5.48 Cordials and liqueurs, and specialties.

Section 5.47(a) shall not apply to cordials and liqueurs, and cocktails, highballs, bitters, and such other specialties as are specified by the Director.

Subpart F—Requirements for Withdrawal From Customs Custody of Bottled Imported Distilled Spirits

§ 5.51 Label approval and release.

Bottled distilled spirits shall not be released from customs custody for consumption unless the original (or photoprint or other facsimile thereof) of a certificate of label approval, Form 1649,[1] covering the labels on the bottle, issued by the Director pursuant to application on such form, shall have been deposited with the appropriate customs

[1] Copies of Form 1649 may be secured from the assistant regional commissioners.

officer at the port of entry. Applications for certificates of approval covering labels for gin bearing the word "distilled" as a part of the designation shall be accompanied by a statement, prepared by the manufacturer, setting forth a step-by-step description of the manufacturing process.

§ 5.52 Certificates of age and origin.

(a) *Scotch, Irish, and Canadian whiskies.* Scotch, Irish, and Canadian whiskies, imported in bottles, shall not be released from customs custody for consumption unless the invoice is accompanied by a certificate of origin issued by a duly authorized official of the British, Irish, or Canadian Government, certifying (1) that the particular distilled spirits are Scotch, Irish, or Canadian whisky, as the case may be, (2) that the distilled spirits have been manufactured in compliance with the laws of the respective foreign government regulating the manufacture of whisky for home consumption, and (3) that the product conforms to the requirements of the Immature Spirits Act of such foreign government for spirits intended for home consumption. In addition, a duly authorized official of the appropriate foreign government must certify to the age of the youngest distilled spirits in the bottle. The age certified shall be the period during which, after distillation and before bottling, the distilled spirits have been stored in oak containers.

(b) *Rum, brandy, and cognac.* Rum, brandy (other than fruit brandies of a type not customarily stored in oak containers) or cognac, imported in bottles, shall not be released from customs custody for consumption unless accompanied by a certificate issued by a duly authorized official of the appropriate foreign country certifying that the age of the youngest rum in the bottle is not less than 1 year or the age of the youngest brandy or cognac in the bottle is not less than 2 years, or if age is stated on the label that none of the distilled spirits are of an age less than that stated. The age certified shall be the period during which, after distillation and before bottling, the distilled spirits have been stored in oak containers. If the label of any fruit brandy, not stored in oak containers, bears any statement of storage in other type containers, the brandy must be accompanied by a certificate issued by a duly authorized official of the appropriate foreign government certifying to such storage. Cognac, imported in bottles, shall not be released from customs custody for consumption unless the invoice is accompanied by a certificate issued by a duly authorized official of the French Government, certifying that the product is grape brandy distilled in the Cognac region of France and entitled to be designated as "Cognac" by the laws and regulations of the French Government.

(c) *Tequila.* If the label of any tequila, imported in bottles, contains any statement of age, the tequila shall not be released from customs custody for consumption unless accompanied by a certificate issued by a duly authorized official of the Mexican Government certifying to the age of the youngest tequila in the bottle. The age certified shall be the period during which, after distillation and before bottling, the tequila has been stored in oak containers.

(d) *Other whiskies.* Whisky, as defined in §§ 5.22(b) (1), (4), (5), and (6), imported in bottles, shall not be released from customs custody for consumption unless accompanied by a certificate issued by a duly authorized official of the appropriate foreign government certifying:

(1) In the case of whisky, whether or not mixed or blended but containing no neutral spirits, (i) the class and type thereof, (ii) the American proof at which produced, (iii) that no neutral spirits (or other whisky in the case of straight whisky) has been added as a part thereof or included therein, whether or not for the purpose of replacing outage, (iv) the age of the whisky, and (v) the type of oak container in which such age was acquired (whether new or reused; also whether charred or uncharred);

(2) In the case of whisky containing neutral spirits, (i) the class and type thereof, (ii) the percentage of straight whisky, if any, used in the blend, (iii) the American proof at which the straight whisky was produced, (iv) the percentage of other whisky, if any, in the blend, (v) the percentage of neutral spirits in the blend, and the name of the commodity from which distilled, (vi) the age of the straight whisky and the age of the other whisky in the blend, and (vii) the type of oak containers in which such age or ages were acquired (whether new or reused; also whether charred or uncharred).

(e) *Miscellaneous.* Distilled spirits (other than Scotch, Irish and Canadian whiskies, and cognac) in bottles shall not be released from customs custody for consumption unless the invoice is accompanied by a certificate of origin issued by a duly authorized official of the appropriate foreign government, if the issuance of such certificates with respect to such distilled spirits has been authorized by the foreign government concerned, certifying as to the identity of the distilled spirits and that the distilled spirits have been manufactured in compliance with the laws of the respective foreign government regulating the manufacture of such distilled spirits for home consumption.

Subpart G—Requirements for Approval of Labels of Domestically Bottled Distilled Spirits

§ 5.55 Certificates of label approval.

(a) *Requirement.* Distilled spirits shall not be bottled or removed from a plant, except as provided in paragraph (b) of this section, unless the proprietor possesses a certificate of label approval, Form 1649, covering the labels on the bottle, issued by the Director pursuant to application on such form. Applications for certificates of approval covering labels for imported gin bearing the word "distilled" as a part of the designation shall be accompanied by a statement, prepared by the manufacturer, setting forth a step-by-step description of the manufacturing process.

(b) *Exemption.* Any bottler of distilled spirits shall be exempt from the requirements of paragraph (a) of this section and § 5.56 if he possesses a certificate of exemption from label approval, Form 1650, issued by the Director pursuant to application on Form 1648 [2] showing that the distilled spirits to be bottled are not to be sold, offered for sale, or shipped or delivered for shipment, or otherwise introduced in interstate or foreign commerce.

(c) *Miscellaneous.* Photoprints or other reproductions of certificates of label approval or certificates of exemption are not acceptable as substitutes for an original or duplicate original (issued, on request, by the Director) of a certificate. The original or duplicate original of such certificates shall, on demand, be exhibited to a duly authorized officer of the United States Government.

§ 5.56 Certificates of age and origin.

Distilled spirits imported in bulk for bottling in the United States shall not be removed from the plant where bottled unless the bottler possesses certificates of age and certificates or origin applicable to such spirits which are similar to the certificates required by § 5.52 for like distilled spirits imported in bottles.

Subpart H—Advertising of Distilled Spirits

§ 5.61 Application.

No person engaged in business as a distiller, rectifier, importer, wholesaler, or warehouseman and bottler of distilled spirits, directly or indirectly, or through an affiliate, shall publish or disseminate or cause to be published or disseminated by radio broadcast, or in any newspaper, periodical, or other publication, or by any sign or outdoor advertisement, or any other printed or graphic matter, any advertisement of distilled spirits if such advertisement is in, or is calculated to induce sales in, interstate or foreign commerce, or is disseminated by mail, unless such advertisement is in conformity with §§ 5.61–5.65: *Provided,* That such sections shall not apply to the publisher of any newspaper, periodical or other publication, or radio broadcaster, unless such publisher or radio broadcaster is engaged in business as a distiller, rectifier, importer, wholesaler, or warehouseman and bottler of distilled spirits, directly or indirectly or through an affiliate.

§ 5.62 Definition.

As used in §§ 5.61–5.65, the term "advertisement" includes any advertisement of distilled spirits through the medium of radio broadcast; or of newspapers, periodicals, or other publications; or of any sign or outdoor advertisement; or of any other printed or graphic matter, including trade booklets, menus, and wine cards, if such advertisement is in, or is calculated to induce sales in, interstate or foreign commerce, or is disseminated

[2] Copies of Form 1648 may be secured from the assistant regional commissioners.

by mail; except that such term shall not include:

(a) Any label affixed to any bottle of distilled spirits; or any individual covering, carton, or other container of the bottle, or any written, printed, graphic, or other matter accompanying the bottle, which constitutes a part of the labeling under §§ 5.31–5.42.

(b) Any editorial or other reading matter in any periodical, newspaper, or other publication for which no money or other valuable consideration is paid or promised, directly or indirectly, by any permittee.

§ 5.63 Mandatory statements.

(a) *Responsible advertiser.* The advertisement shall state the name and address, including ZIP code, of the permittee responsible for its publication or broadcast. Street number and name may be omitted in the address.

(b) *Class and type.* The advertisement shall contain a conspicuous statement of the class to which the product belongs and the type thereof corresponding with the statement of class and type which is required to appear on the label of the product.

(c) *Alcoholic content.* The alcoholic content shall be stated by proof for distilled spirits except that it may be stated in percentage by volume of cordials and liqueurs, cocktails, highballs, bitters, and such other specialties as may be specified by the Director.

(d) *Percentage of neutral spirits and name of commodity.* (1) In the case of distilled spirits (other than cordials, liqueurs, and specialties) produced by blending or rectification, if neutral spirits have been used in the production thereof, there shall be stated the percentage of neutral spirits so used and the name of the commodity from which such neutral spirits have been distilled. The statement of percentage and the name of the commodity shall be made in substantially the following form: "_____% neutral spirits distilled from _____ (insert grain, cane products, or fruit, as appropriate)"; or "_____% neutral spirits (vodka) distilled from _____ (insert grain, cane product, or fruit, as appropriate)"; or "_____% grain (cane products), (fruit) neutral spirits"; or "_____% grain spirits".

(2) In the case of neutral spirits or of gin produced by a process of continuous distillation, there shall be stated the name of the commodity from which such neutral spirits or gin has been distilled. The statement of the name of the commodity shall be made in substantially the following form: "Distilled from grain," or "Distilled from cane products," or "Distilled from fruit."

§ 5.64 Lettering.

Statements required under §§ 5.61–5.65 to appear in any written, printed, or graphic advertisement shall be in lettering or type of a size sufficient to render them both conspicuous and readily legible.

§ 5.65 Prohibited statements.

(a) *Restrictions.* An advertisement of distilled spirits shall not contain:

(1) Any statement that is false or untrue in any particular or that, irrespective of falsity, directly or by ambiguity, omission, or inference, or by the addition of irrelevant, scientific, or technical matter, tends to create a misleading impression.

(2) Any statement that is disparaging of a competitor's product.

(3) Any statment, design, device, or representation which is obscene or indecent.

(4) Any statement, design, device, or representation of or relating to analyses, standards or tests, irrespective of falsity, which the Director finds to be likely to mislead the consumer.

(5) Any statement, design, device, or representation of or relating to any guaranty, irrespective of falsity, which the Director finds to be likely to mislead the consumer. Enforceable money-back guarantees are not prohibited.

(6) Any statement that the distilled spirits are distilled, blended, made, bottled, or sold under or in accordance with any municipal, State, Federal, or foreign authorization, law, or regulation, unless such statement appears in the manner authorized by § 5.42 for labels of distilled spirits. If a municipal, State or Federal permit number is stated, such permit number shall not be accompanied by any additional statement relating thereto.

(7) The words "bond," "bonded," "bottled in bond," "aged in bond," or phrases containing these or synonymous terms, unless such words or phrases appear, pursuant to § 5.42, on labels of the distilled spirits advertised, and are stated in the advertisement in the manner and form in which they are permitted to appear on the label.

(8) The word "pure" unless as part of the bona fide name of a permittee or retailer for whom the distilled spirits are bottled.

(9) The words "double distilled," "triple distilled," or any similar words.

(b) *Statements inconsistent with labeling.* The advertisement shall not contain any statement concerning a brand or lot of distilled spirits which is prohibited from appearing on the label or which is inconsistent with any statement on the label thereof.

(c) *Statement of age.* The advertisement shall not contain any statement, design, or device directly or by implication concerning age or maturity of any brand or lot of distilled spirits unless a statement of age appears on the label of the advertised product. When any such statement, design, or device concerning age or maturity is contained in any advertisement, it shall include (in direct conjunction therewith and with substantially equal conspicuousness) all parts of the statement, if any, concerning age and percentages required to be made on the label under the provisions of §§ 5.31–5.42. An advertisement for any whisky or brandy (except immature brandies) which is not required to bear a statement of age on the label or an advertisement for any rum or tequila, which has been aged for not less than 4 years may, however, contain inconspicuous, general representation as to age, maturity or other similar representations even though a specific age statement does not apear on the label of the advertised product and in the advertisement itself.

(d) *Curative and therapeutic effects.* The advertisement shall not contain any statement, design, or device representing that the use of any distilled spirits has curative or therapeutic effects, if such statement is untrue in any particular, or tends to create a misleading impression.

(e) *Place of origin.* The advertisement shall not represent that the distilled spirits were manufactured in or imported from a place or country other than that of their actual origin, or were produced or processed by one who was not in fact the actual producer or processor.

(f) *Confusion of brands.* Two or more different brands or lots of distilled spirits shall not be advertised in one advertisement (or in two or more advertisements in one issue of a periodical or newspaper, or in one piece of other written, printed, or graphic matter) if the advertisement tends to create the impression that representations made as to one brand or lot apply to the other or others, and if as to such latter the representations contravene any provisions of this subpart or are in any respect untrue.

(g) *Flags, seals, coats of arms, crests, and other insignia.* An advertisement shall not contain any statement, design, device, or pictorial representation which the Director finds relates to, or is capable of being construed as relating to the armed forces of the United States, or the American flag, or any emblem, seal, insignia, or decoration associated with such flag or armed forces; nor shall any advertisement contain any statement, design, device, or pictorial representation of or concerning any flag, seal, coat of arms, crest, or other insignia, likely to mislead the consumer to believe that the product has been endorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of the government, organization, family, or individual with whom such flag, seal, coat of arms, crest, or insignia is associated.

Requests to present oral testimony. All persons who desire to present oral testimony should so advise the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C. 20224, not later than March 15, 1969. Requests shall be submitted in an original and three copies and must include (1) the name and address of the party submitting the request, (2) the name and address of the person or persons who will present oral testimony, (3) identification of the subject or subjects to which the testimony will be directed, and (4) the approximate length of time desired for the presentation of testimony on each subject.

Submission of written material. Any interested party may submit to the Director, Alcohol, Tobacco, and Firearms Division, Internal Revenue Service, Washington, D.C. 20224, in an original and nine copies, relevant and material written data, views or arguments for incorporation into the record of hearing. The subject to which the comments are directed must be specifically identified. Written material must be received not later than Saturday, March 15, 1969.

At the conclusion of the hearing a reasonable time will be afforded interested parties for examination of the record and submission of written arguments and briefs.

[SEAL] HAROLD A. SERR,
Director, Alcohol, Tobacco, and Firearms Division, Internal Revenue Service.

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