

1513-0084

26 U.S.C.

Sec. 205. - Unfair competition and unlawful practices

(e) Labeling

To sell or ship or deliver for sale or shipment, or otherwise introduce in interstate or foreign commerce, or to receive therein, or to remove from customs custody for consumption, any distilled spirits, wine, or malt beverages in bottles, unless such products are bottled, packaged, and labeled in conformity with such regulations, to be prescribed by the Secretary of the Treasury, with respect to packaging, marking, branding, and labeling and size and fill of container

(1) as will prohibit deception of the consumer with respect to such products or the quantity thereof and as will prohibit, irrespective of falsity, such statements relating to age, manufacturing processes, analyses, guarantees, and scientific or irrelevant matters as the Secretary of the Treasury finds to be likely to mislead the consumer;

(2) as will provide the consumer with adequate information as to the identity and quality of the products, the alcoholic content thereof (except that statements of, or statements likely to be considered as statements of, alcoholic content of malt beverages are prohibited unless required by State law and except that, in case of wines, statements of alcoholic content shall be required only for wines containing more than 14 per centum of alcohol by volume), the net contents of the package, and the manufacturer or bottler or importer of the product;

(3) as will require an accurate statement, 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, informing the consumer of the percentage of neutral spirits so used and of the name of the commodity from which such neutral spirits have been distilled, or in case of neutral spirits or of gin produced by a process of continuous distillation, the name of the commodity from which distilled;

(4) as will prohibit statements on the label that are disparaging of a competitor's products or are false, misleading, obscene, or indecent; and

(5) as will prevent deception of the consumer by use of 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, and as will prevent the use of a graphic, pictorial, or emblematic representation of any such individual or organization, if the use of such name or representation is likely falsely to lead the consumer to believe that the product has been indorsed, 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 clause shall not apply to the use of the name of any person engaged in

business as a distiller, brewer, rectifier, blender, or other producer, or as an importer, wholesaler, retailer, bottler, or warehouseman, of distilled spirits, wine, or malt beverages, nor to the use by any person of a trade or brand name used by him or his predecessor in interest prior to August 29, 1935; including regulations requiring, at time of release from customs custody, certificates issued by foreign governments covering origin, age, and identity of imported products: Provided further, That nothing herein nor any decision, ruling, or regulation of any Department of the Government shall deny the right of any person to use any trade name or brand of foreign origin not presently effectively registered in the United States Patent and Trademark Office which has been used by such person or predecessors in the United States for a period of at least five years last past, if the use of such name or brand is qualified by the name of the locality in the United States in which the product is produced, and, in the case of the use of such name or brand on any label or in any advertisement, if such qualification is as conspicuous as such name or brand.

It shall be unlawful for any person to alter, mutilate, destroy, obliterate, or remove any mark, brand, or label upon distilled spirits, wine, or malt beverages held for sale in interstate or foreign commerce or after shipment therein, except as authorized by Federal law or except pursuant to regulations of the Secretary of the Treasury authorizing relabeling for purposes of compliance with the requirements of this subsection or of State law.

In order to prevent the sale or shipment or other introduction of distilled spirits, wine, or malt beverages in interstate or foreign commerce, if bottled, packaged, or labeled in violation of the requirements of this subsection,

(1) no bottler of distilled spirits, no producer, blender, or wholesaler of wine, or proprietor of a bonded wine storeroom, and no brewer or wholesaler of malt beverages shall bottle, and

(2) no person shall remove from customs custody, in bottles, for sale or any other commercial purpose, distilled spirits, wine, or malt beverages, respectively, after such date as the Secretary of the Treasury fixes as the earliest practicable date for the application of the provisions of this subsection to any class of such persons (but not later than August 15, 1936, in the case of distilled spirits, and December 15, 1936, in the case of wine and malt beverages, and only after thirty days' public notice), unless, upon application to the Secretary of the Treasury, he has obtained and has in his possession a certificate of label approval covering the distilled spirits, wine, or malt beverages, issued by the Secretary in such manner and form as he shall by regulations prescribe: Provided, That any such bottler of distilled spirits, or producer, blender, or wholesaler of wine, or proprietor of a bonded wine storeroom, or brewer or wholesaler of malt beverages shall be exempt from the requirements of this subsection if, upon application to the Secretary, he shows to the satisfaction of the Secretary that the distilled spirits, wine, or malt beverages to be bottled by the applicant are not to be sold, or offered for sale, or shipped or delivered for shipment, or otherwise introduced, in interstate or foreign commerce. Officers of internal revenue are authorized and directed to withhold the release of distilled spirits from the bottling plant unless such certificates have been obtained, or unless the

application of the bottler for exemption has been granted by the Secretary; and customs officers are authorized and directed to withhold the release from customs custody of distilled spirits, wine, and malt beverages, unless such certificates have been obtained. The District Courts of the United States, and the United States court for any Territory shall have jurisdiction of suits to enjoin, annul, or suspend in whole or in part any final action by the Secretary upon any application under this subsection; or

27 CFR

Sec. 4.32 Mandatory label information.

- (a) There shall be stated on the brand label:
- (1) Brand name, in accordance with Sec. 4.33.
 - (2) Class, type, or other designation, in accordance with Sec. 4.34.
 - (3) Alcohol content, in accordance with Sec. 4.36.
 - (4) On blends consisting of American and foreign wines, if any reference is made to the presence of foreign wine, the exact percentage by volume.
- (b) There shall be stated on any label affixed to the container:
- (1) Name and address, in accordance with Sec. 4.35.
 - (2) Net contents, in accordance with Sec. 4.37. If the net contents is a standard of fill other than an authorized metric standard of fill as prescribed in Sec. 4.73, the net contents statement shall appear on a label affixed to the front of the bottle.
- (c) There shall be stated on the brand label or on a back label a statement that the product contains FD&C Yellow No. 5, where that coloring material is used in a product bottled on or after October 6, 1984.
- (d) [Reserved]
- (e) Declaration of sulfites. There shall be stated on a front label, back label, strip label or neck label, the statement ``Contains sulfites'' or ``Contains (a) sulfiting agent(s)'' or a statement identifying the specific sulfiting agent where sulfur dioxide or a sulfiting agent is detected at a level of 10 or more parts per million, measured as total sulfur dioxide. The provisions of this paragraph shall apply to:
- (1) Any certificate of label approval issued on or after January 9, 1987;
 - (2) Any wine bottled on or after July 9, 1987, regardless of the date of issuance of the certificate of label approval; and,
 - (3) Any wine removed on or after January 9, 1988.

(Paragraph (e) approved by the Office of Management and Budget under Control Number 1513-0084)

[T.D. 6521, 25 FR 13835, Dec. 29, 1960, as amended by T.D. ATF-150, 48 FR 45556, Oct. 6, 1983; T.D. ATF-195, 50 FR 763, Jan. 7, 1985; T.D. ATF-220, 50 FR 51852, Dec. 20, 1985; T.D. ATF-236, 51 FR 34710, Sept. 30, 1986; T.D. ATF-282, 54 FR 7162, Feb. 16, 1989; T.D. ATF-312, 56 FR 31076, 31077, July 9, 1991; T.D. TTB-12, 69 FR 33573, June 16, 2004]

Sec. 5.32 Mandatory label information.

- There shall be stated:
- (a) On the brand label:
- (1) Brand name.
 - (2) Class and type, in accordance with Sec. 5.35.
 - (3) Alcoholic content, in accordance with Sec. 5.37.
 - (4) In the case of distilled spirits packaged in containers for which no standard of fill is prescribed in Sec. 5.47, net contents in accordance with Sec. 5.38(b) or Sec. 5.38a(b)(2).
- (b) On the brand label or on a back label:

- (1) Name and address, in accordance with Sec. 5.36.
- (2) In the case of imported spirits, the country of origin, in accordance with Sec. 5.36.
- (3) In the case of distilled spirits packaged in containers conforming to the standards of fill prescribed in Sec. 5.47 or Sec. 5.47a, net contents in accordance with Sec. 5.38(a), Sec. 5.38a(a), or Sec. 5.38a(b)(1).
- (4) Coloring or flavoring, in accordance with Sec. 5.39.
- (5) A statement that the product contains FD&C Yellow No. 5, where that coloring material is used in a product bottled on or after October 6, 1984.
- (6) [Reserved]
- (7) Declaration of sulfites. There shall be stated, the statement ``Contains sulfites'' or ``Contains (a) sulfiting agent(s)'' or a statement identifying the specific sulfiting agent where sulfur dioxide or a sulfiting agent is detected at a level of 10 or more parts per million, measured as total sulfur dioxide. The sulfite declaration may appear on a strip label or neck label in lieu of appearing on the front or back label. The provisions of this paragraph shall apply to:
 - (i) Any certificate of label approval issued on or after January 9, 1987;
 - (ii) Any distilled spirits bottled on or after July 9, 1987, regardless of the date of issuance of the certificate of label approval; and,
 - (iii) Any distilled spirits removed on or after January 9, 1988.
- (8) 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 Sec. 5.39.
- (9) A statement of age or age and percentage, when required, in accordance with Sec. 5.40.
- (10) State of distillation of domestic types of whisky and straight whisky, except light whisky and blends, in accordance with Sec. 5.36.
 - (c) In the case of a container which has been excepted under the provisions of Sec. 5.46(d), the information required to appear on the ``brand label,'' as defined, may appear elsewhere on such container if it can be demonstrated that the container cannot reasonably be so designed that the required brand label can be properly affixed.

(Paragraph (b)(7) approved by the Office of Management and Budget under Control No. 1513-0084)

[T.D. 7020, 34 FR 20337, Dec. 30, 1969, as amended by T.D. ATF-25, 41 FR 10220, Mar. 10, 1976; 41 FR 11022, Mar. 16, 1976; T.D. ATF-94, 46 FR 55096, Nov. 6, 1981; T.D. ATF-150, 48 FR 45556, Oct. 6, 1983; 48 FR 46518, Oct. 13, 1983; T.D. ATF-220, 50 FR 51852, Dec. 20, 1985; T.D. ATF-236, 51 FR 34710, Sept. 30, 1986; T.D. ATF-282, 54 FR 7162, Feb. 16, 1989; T.D. ATF-312, 56 FR 31077, July 9, 1991; T.D. ATF-344, 58 FR 40354, July 28, 1993; T.D. ATF-425, 65 FR 11891, Mar. 7, 2000; T.D TTB-12, 69 FR 33574, June 16, 2004]

Sec. 7.22 Mandatory label information.

There shall be stated:

(a) On the brand label:

(1) Brand name, in accordance with Sec. 7.23.

(2) Class, in accordance with Sec. 7.24.

(3) Name and address (except when branded or burned in the container) in accordance with Sec. 7.25, except as provided in paragraph (b) of this section.

(4) Net contents (except when blown, branded, or burned, in the container) in accordance with Sec. 7.27.

(5) Alcohol content in accordance with Sec. 7.71, for malt beverages that contain any alcohol derived from added flavors or other added nonbeverage ingredients (other than hops extract) containing alcohol.

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

(1) In the case of imported malt beverages, name and address of importer in accordance with Sec. 7.25.

(2) In the case of malt beverages bottled or packed for the holder of a permit or a retailer, the name and address of the bottler or packer, in accordance with Sec. 7.25.

(3) Alcoholic content, when required by State law, in accordance with Sec. 7.71.

(4) A statement that the product contains FD&C Yellow No. 5, where that coloring material is used in a product bottled on or after October 6, 1984.

(5) [Reserved]

(6) Declaration of sulfites. The statement ``Contains sulfites'' or ``Contains (a) sulfiting agent(s)'' or a statement identifying the specific sulfiting agent where sulfur dioxide or a sulfiting agent is detected at a level of 10 or more parts per million, measured as total sulfur dioxide. The sulfite declaration may appear on a strip label or neck label in lieu of appearing on the front or back label. The provisions of this paragraph shall apply to:

(i) Any certificate of label approval issued on or after January 9, 1987;

(ii) Any malt beverage bottled on or after July 9, 1987, regardless of the date of issuance of the certificate of label approval; and,

(iii) Any malt beverage removed on or after January 9, 1988.

(7) Declaration of aspartame. The following statement, in capital letters, separate and apart from all other information, when the product contains aspartame in accordance with Food and Drug Administration (FDA) regulations:

``PHENYLKETONURICS: CONTAINS PHENYLALANINE.''

(Paragraph (b)(6) approved by the Office of Management and Budget under Control No. 1513-0084)

[T.D. 6521, 25 FR 13859, Dec. 29, 1960]