manufacture and sale of alcoholic beverages in or affecting interstate commerce, to deal with the provision of warning or other information with respect to any relationship between the consumption or abuse of alcoholic beverages and health, so that—

(1) the public may be adequately reminded about any health hazards that may be associated with the consumption or abuse of alcoholic beverages through a nationally uniform, nonconfusing warning notice on each container of such beverages; and

(2) commerce and the national economy may be—

(A) protected to the maximum extent consistent with this declared policy,

(B) not impeded by diverse, nonuniform, and confusing requirements for warnings or other information on alcoholic beverage containers with respect to any relationship between the consumption or abuse of alcoholic beverages and health, and

(C) protected from the adverse effects that would result from a noncomprehensive program covering alcoholic beverage containers sold in interstate commerce, but not alcoholic beverage containers manufactured and sold within a single State.

(Aug. 29, 1935, ch. 814, title II, § 202, as added Pub. L. 100–690, title VIII, § 8001(a)(3), Nov. 18, 1988, 102 Stat. 4518.)

EFFECTIVE DATE

Section 210 of title II of act Aug. 29, 1935, as added Nov. 18, 1988, Pub. L. 100–690, title VIII, § 8001(a)(3), 102 Stat. 4521, provided that: ''Except as provided in section 204(a) [27 U.S.C. 215(a)], this title [enacting this subchapter] shall take effect on the date of its enactment into law [Nov. 18, 1988].''

SHORT TITLE

For short title of title II of act Aug. 29, 1935, which is classified to this subchapter, as the ''Alcoholic Beverage Labeling Act of 1988'', see section 201 of act Aug. 29, 1935, set out as a note under section 201 of this title.

## § 214. Definitions

As used in this subchapter—

(1) The term ''alcoholic beverage'' includes any beverage in liquid form which contains not less than one-half of one percent of alcohol by volume and is intended for human consumption.

(2) The term ''bottle'' means to fill a container with an alcoholic beverage and to seal such container.

(3) The term ''bottler'' means a person who bottles an alcoholic beverage.

(4) The term ''commerce'' means—

(A) commerce between any State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, Wake Island, the Midway Islands, Kingman Reef, or Johnston Island and any place outside thereof;

(B) commerce between points in any State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, Wake Island, the Midway Islands, Kingman Reef, or Johnston Island, but through any place outside thereof; or

(C) commerce wholly within the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, Wake Island, the Midway Islands, Kingman Reef, or Johnston Island.

(5) The term ''container'' means the innermost sealed container irrespective of the material from which made, in which an alcoholic beverage is placed by the bottler and in which such beverage is offered for sale to members of the general public.

(6) The term ''health'' includes, but is not limited to, the prevention of accidents.

(7) The term ''person'' means an individual, partnership, joint stock company, business trust, association, corporation, or any other business or legal entity, including a receiver, trustee, or liquidating agent, and also includes any State, any State agency, or any officer or employee thereof.

(8) The term[1] ''sale'' and ''distribution'' include sampling or any other distribution not for sale.

(9) The term ''Secretary'' means the Secretary of the Treasury.

(10) The term ''State'' includes any political subdivision of any State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, Wake Island, the Midway Islands, Kingman Reef, or Johnston Island.

(11) The term ''State law'' includes State statutes, regulations, and principles and rules having the force of law.

(12) The term ''United States'', when used in geographical sense, includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, Wake Island, the Midway Islands, Kingman Reef, and Johnston Island.

(Aug. 29, 1935, ch. 814, title II, § 203, as added Pub. L. 100–690, title VIII, § 8001(a)(3), Nov. 18, 1988, 102 Stat. 4518.)

## § 215. Labeling requirement

### (a) Statement required on container

On and after the expiration of the 12-month period following November 18, 1988, it shall be unlawful for any person to manufacture, import, or bottle for sale or distribution in the United States any alcoholic beverage unless the container of such beverage bears the following statement:

**"GOVERNMENT WARNING:** (1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. (2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery, and may cause health problems.''.

[1] So in original. Probably should be ''terms''.

**(b) Conspicuous and prominent location of statement on container**

The statement required by subsection (a) of this section shall be located in a conspicuous and prominent place on the container of such beverage, as determined by the Secretary, shall be in type of a size determined by the Secretary, and shall appear on a contrasting background. The Secretary shall make such determinations within 90 days after November 18, 1988.

**(c) Alcoholic beverages intended for export; beverages intended for Armed Forces of the United States**

Subsection (a) of this section shall not apply with respect to alcoholic beverages that are manufactured, imported, bottled, or labeled for export from the United States, or for delivery to a vessel or aircraft, as supplies, for consumption beyond the jurisdiction of the internal revenue laws of the United States: *Provided*, That this exemption shall not apply with respect to alcoholic beverages that are manufactured, imported, bottled, or labeled for sale, distribution, or shipment to members or units of the Armed Forces of the United States, including those located outside the United States.

**(d) Powers of Secretary; rules and regulations; consultation and coordination with Surgeon General**

The Secretary shall—

(1) have the power to—

(A) ensure the enforcement of the provisions of this subchapter, and

(B) issue regulations to carry out this subchapter, and

(2) consult and coordinate the health awareness efforts of the labeling requirements of this subchapter with the Surgeon General of the United States.

(Aug. 29, 1935, ch. 814, title II, § 204, as added Pub. L. 100–690, title VIII, § 8001(a)(3), Nov. 18, 1988, 102 Stat. 4519.)

REFERENCES IN TEXT

The internal revenue laws of the United States, referred to in subsec. (c), are classified generally to Title 26, Internal Revenue Code.

**§ 216. Preemption**

No statement relating to alcoholic beverages and health, other than the statement required by section 215 of this title, shall be required under State law to be placed on any container of an alcoholic beverage, or on any box, carton, or other package, irrespective of the material from which made, that contains such a container.

(Aug. 29, 1935, ch. 814, title II, § 205, as added Pub. L. 100–690, title VIII, § 8001(a)(3), Nov. 18, 1988, 102 Stat. 4520.)

**§ 217. Report to Congress**

If, after appropriate investigation and consultation with the Surgeon General carried out after the expiration of the 24-month period following November 18, 1988, the Secretary finds that available scientific information would justify a change in, addition to, or deletion of the statement, or any part thereof, set forth in section 215(a) of this title, the Secretary shall promptly report such information to the Congress together with specific recommendations for such amendments to this subchapter as the Secretary determines to be appropriate and in the public interest.

(Aug. 29, 1935, ch. 814, title II, § 206, as added Pub. L. 100–690, title VIII, § 8001(a)(3), Nov. 18, 1988, 102 Stat. 4520.)

**§ 218. Civil penalties**

Any person who violates the provisions of this subchapter shall be subject to a civil penalty of not more than $10,000, and each day shall constitute a separate offense.

(Aug. 29, 1935, ch. 814, title II, § 207, as added Pub. L. 100–690, title VIII, § 8001(a)(3), Nov. 18, 1988, 102 Stat. 4520.)

**§ 219. Injunction proceedings; compromise of liability**

(a) The several district courts of the United States are vested with jurisdiction, for cause shown, to prevent and restrain violations of this subchapter upon the application of the Attorney General of the United States acting through the several United States attorneys in their several districts.

(b) The Secretary is authorized, with respect to any violation of this subchapter, to compromise the liability arising with respect to such violation upon payment of a sum for each offense, to be collected by the Secretary and to be paid into the Treasury as miscellaneous receipts.

(Aug. 29, 1935, ch. 814, title II, § 208, as added Pub. L. 100–690, title VIII, § 8001(a)(3), Nov. 18, 1988, 102 Stat. 4520.)

**§ 219a. Severability**

If any provision of this subchapter or the application thereof to any person or circumstance is held invalid, the validity of the remainder of this subchapter and this chapter and of the application of such provision to other persons and circumstances shall not be affected thereby.

(Aug. 29, 1935, ch. 814, title II, § 209, as added Pub. L. 100–690, title VIII, § 8001(a)(3), Nov. 18, 1988, 102 Stat. 4521.)

## CHAPTER 9—LIQUOR ENFORCEMENT ACT OF 1936

**§§ 221 to 228. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862**

Section 221, act June 25, 1936, ch. 815, § 1, 49 Stat. 1928, related to citation of this chapter.

Section 222, act June 25, 1936, ch. 815, § 2, 49 Stat. 1928, related to definitions. See sections 1262 and 3615 of Title 18, Crimes and Criminal Procedure.

Section 223, act June 25, 1936, ch. 815, § 3, 49 Stat. 1928, related to transportation of liquor into States where sale is prohibited. See section 1262 of Title 18.

Section 224, act June 25, 1936, ch. 815, § 4, 49 Stat. 1928, related to searches and seizures. See section 3615 of Title 18.

Section 225, act June 25, 1936, ch. 815, § 5, 49 Stat. 1929, related to enforcement of this chapter. See section 1261 of Title 18.

Section 226, act June 25, 1936, ch. 815, § 10, 49 Stat. 1929, related to effect of this chapter on other laws.