

§ 4.35

27 CFR Ch. I (4-1-03 Edition)

(1) A varietal (grape type) designation is used under the provisions of § 4.23;

(2) A type designation of varietal significance is used under the provisions of § 4.28;

(3) A semi-generic type designation is employed as the class and type designation of the wine pursuant to § 4.24(b);

(4) A product name is qualified with the word "Brand" under the requirements of § 4.39 (j); or

(5) The wine is labeled with the year of harvest of the grapes, and otherwise conforms with the provisions of § 4.27. The appellation of origin for vintage wine shall be other than a country.

[T.D. ATF-53, 43 FR 37677, Aug. 23, 1978; T.D. ATF-48, 44 FR 55839, Sept. 28, 1979, as amended by T.D. ATF-195, 50 FR 763, Jan. 7, 1985; T.D. ATF-229, 51 FR 20482, June 5, 1986; T.D. ATF-312, 56 FR 31077, July 9, 1991; T.D. ATF-370, 61 FR 539, Jan. 8, 1996; T.D. ATF-431, 65 FR 59724, Oct. 6, 2000]

§ 4.35 Name and address.

(a) *American wine.* On labels of containers of American wine, there shall be stated the name of the bottler or packer and the place where bottled or packed (or until January 1, 1985, in lieu of such place, the principal place of business of the bottler or packer if in the same State where the wine was bottled or packed, and, if bottled or packed on bonded premises, the AFT registry number of the premises) immediately preceded by the words "bottled by" or "packed by" except that:

(1) If the bottler or packer is also the person who made not less than 75 percent of such wine by fermenting the must and clarifying the resulting wine, or if such person treated the wine in such manner as to change the class thereof, there may be stated, in lieu of the words "bottled by" or "packed by," the words "produced and bottled by," or "produced and packed by."

(2) If the bottler or packer has also either made or treated the wine, otherwise than as described in paragraph (a)(1) of this section, there may be stated, in lieu of the words "Bottled by" or "Packed by" the phrases "Blended and bottled (packed) by," "Rectified and bottled (packed) by," "Prepared and bottled (packed) by," "Made and bot-

tled (packed) by," as the case may be, or, in the case of imitation wine only, "Manufactured and bottled (packed) by."

(3) In addition to the name of the bottler or packer and the place where bottled or packed (but not in lieu thereof) there may be stated the name and address of any other person for whom such wine is bottled or packed, immediately preceded by the words "Bottled for" or "Packed for" or "Distributed by" or other similar statement; or the name and principal place of business of the rectifier, blender, or maker, immediately preceded by the words "Rectified by," "Blended by" or "Made by," respectively, or, in the case of imitation wine only, "Manufactured by."

(b) *Imported wine.* On labels of containers of imported wine, there shall be stated the words "Imported by" or a similar appropriate phrase, and immediately thereafter the name of the permittee who is the importer, agent, sole distributor, or other person responsible for the importation, together with the principal place of business in the United States of such person. In addition, but not in lieu thereof, there may be stated the name and principal place of business of the foreign producer, blender, rectifier, maker, bottler, packer, or shipper, preceded by the phrases "Produced by," "Blended by," "Rectified by," "Made by," "Bottled by," "Packed by," "Shipped by," respectively, or, in the case of imitation wine only, "Manufactured by."

(1) If the wine is bottled or packed in the United States, there shall be stated, in addition, the name of the bottler or packer and the place where bottled or packed immediately preceded by the words "bottled by" or "packed by" except that if the wine is bottled or packed in the United States for the person responsible for the importation there may be stated, in lieu of the above-required statements, the name and principal place of business in the United States of such person, immediately preceded by the phrase "imported by and bottled (packed) in the United States for" (or a similar appropriate phrase). If, however, the wine is bottled or packed in the United States

by the person responsible for the importation there may be stated, in lieu of the above-required statements, the name and principal place of business in the United States of such person, immediately preceded by the phrase “Imported and bottled (packed) by” or a similar appropriate phrase.

(2) If the wine is blended, bottled, or packed in a foreign country other than the country of origin and the country of origin is stated or otherwise indicated on the label, there shall also be stated the name of the bottler, packer, or blender, and the place where bottled, packed, or blended, immediately preceded by the words “Bottled by”, “Packed by”, “Blended by”, or other appropriate statement.

(c) *Form of address.* The “place” stated shall be the post office address (after December 31, 1984, the post office address shall be the address shown on the basic permit or other qualifying document of the premises at which the operations took place; and there shall be shown the address for each operation which is designated on the label. An example of such use would be “Produced at Gilroy, California, and bottled at San Mateo, California, by XYZ Winery”), except that the street address may be omitted. No additional places or addresses shall be stated for the same person unless (1) such person 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 in connection with the particular product.

(d) *Trade or operating names.* The trade or operating name of any person appearing upon any label shall be identical with a name appearing on the basic permit or notice.

(e) This section does not apply after July 27, 1994.

[T.D. 6521, 25 FR 13835, Dec. 29, 1960, as amended by T.D. 7185, 37 FR 7976, Apr. 22, 1972; T.D. ATF-53, 43 FR 37677, Aug. 23, 1978; T.D. ATF-126, 48 FR 2764, Jan. 21, 1983; T.D. ATF-194, 50 FR 759, Jan. 7, 1985; T.D. ATF-209, 50 FR 27821, July 8, 1985; T.D. ATF-328, 57 FR 33114, July 27, 1992]

§ 4.35a Name and address.

(a) *American wine*—(1) *Mandatory statement.* A label on each container of American wine shall state either “bottled by” or “packed by” followed by the name of the bottler or packer and the address (in accordance with paragraph (c)) of the place where the wine was bottled or packed. Other words may also be stated in addition to the required words “bottled by” or “packed by” and the required name and address if the use of such words is in accordance with paragraph (a)(2) of this section.

(2) *Optional statements.* (i) In addition to the statement required by paragraph (a)(1), the label may also state the name and address of any other person for whom the wine was bottled or packed, immediately preceded by the words “bottled for” or “packed for” or “distributed by.”

(ii) The words defined in paragraphs (a)(2)(iii)–(a)(2)(vi) may be used, in accordance with the definitions given, in addition to the name and address statement required by paragraph (a)(1). Use of these words may be conjoined, using the word “and”, and with the words “bottled by” or “packed by” only if the same person performed the defined operation at the same address. More than one name is necessary if the defined operation was performed by a person other than the bottler or packer and more than one address statement is necessary if the defined operation was performed at a different address.

(iii) *Produced or Made* means that the named winery:

(A) Fermented not less than 75% of such wine at the stated address, or

(B) Changed the class or type of the wine by addition of alcohol, brandy, flavors, colors, or artificial carbonation at the stated address, or

(C) Produced sparkling wine by secondary fermentation at the stated address.

(iv) *Blended* means that the named winery mixed the wine with other wines of the same class and type at the stated address.

(v) *Cellared, Vinted or Prepared* means that the named winery, at the stated address, subjected the wine to cellar treatment in accordance with § 4.22(c).