

§ 13.81

If authorized by the applicant or certificate holder, the copy of the document may be mailed to a designated representative. If service is by personal delivery, a copy of the document must be delivered to the certificate holder or to a designated representative. In the case of a corporation, partnership, or association, personal delivery may be made to an officer, manager, or general agent thereof, or to the attorney of record.

§ 13.81 Representation before ATF.

An applicant or certificate holder may be represented by an attorney, certified public accountant, or other person recognized to practice before ATF as provided in 31 CFR part 8 (Practice Before the Bureau of Alcohol, Tobacco and Firearms). The applicable requirements of 26 CFR 601.521 through 601.527 (conference and practice requirements for alcohol, tobacco, and firearms activities) shall apply.

§ 13.91 Computation of time.

In computing any period of time prescribed or allowed by this part, the day of the act, event or default after which the designated period of time is to run, is not counted. The last day of the period to be computed is counted, unless it is a Saturday, Sunday, or legal holiday, in which case the period runs until the next day that is not a Saturday, Sunday, or legal holiday. Papers or documents that are required or permitted to be filed under this part must be received at the appropriate office within the filing time limits, if any.

§ 13.92 Extensions.

An applicant or certificate holder may apply to the appropriate ATF officer deciding the appeal for an extension of any time limit prescribed in this part. The time limit may be extended if ATF agrees the request is reasonable.

[T.D. ATF-406, 64 FR 2129, Jan. 13, 1999, as amended by T.D. ATF-449, 66 FR 19086, Apr. 13, 2001]

27 CFR Ch. I (4-1-04 Edition)

Subpart G—Appeals Concerning Other Agencies' Rules

§ 13.101 Appeals concerning use of the term “organic.”

To appeal a determination that an organic claim on a label does not comply with the National Organic Program rules in 7 CFR part 205, contact the Program Manager, National Organic Program (NOP), Agricultural Marketing Service, United States Department of Agriculture. See the NOP appeal process in 7 CFR 205.680.

[T.D. ATF-483, 67 FR 62859, Oct. 8, 2002]

PART 16—ALCOHOLIC BEVERAGE HEALTH WARNING STATEMENT

Subpart A—Scope

Sec.

- 16.1 General.
- 16.2 Territorial extent.

Subpart B—Definitions

- 16.10 Meaning of terms.

Subpart C—Health Warning Statement Requirements for Alcoholic Beverages

- 16.20 General.
- 16.21 Mandatory label information.
- 16.22 General requirements.

Subpart D—General Provisions

- 16.30 Certificates of label approval.
- 16.31 Exports.
- 16.32 Preemption.
- 16.33 Civil penalties.

AUTHORITY: 27 U.S.C. 205, 215, 218; 28 U.S.C. 2461 note.

SOURCE: T.D. ATF-294, 55 FR 5421, Feb. 14, 1990, unless otherwise noted.

Subpart A—Scope

§ 16.1 General.

The regulations in this part relate to a health warning statement on labels of containers of alcoholic beverages.

§ 16.2 Territorial extent.

This part applies to the several States of the United States, the District of Columbia, and the territories and possessions of the United States.

Subpart B—Definitions**§ 16.10 Meaning of terms.**

As used in this part, unless the context otherwise requires, terms shall have the meaning ascribed in this section.

Act. The Alcoholic Beverage Labeling Act of 1988.

Alcoholic beverage. Includes any beverage in liquid form which contains not less than one-half of one percent (.5%) of alcohol by volume and is intended for human consumption.

ATF. The Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury.

Bottle. To fill a container with an alcoholic beverage and to seal such container.

Bottler. A person who bottles an alcoholic beverage.

Brand label. The label carrying, in the usual distinctive design, the brand name of the alcoholic beverage.

Container. 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.

Health. Includes, but is not limited to, the prevention of accidents.

Person. Any 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.

Sale and distribution. Includes sampling or any other distribution not for sale.

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.

State law. Includes State statutes, regulations and principles and rules having the force of law.

United States. 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.

Use of other terms. Any other term defined in the Alcoholic Beverage Labeling Act and used in this part shall have the same meaning as assigned to it by the Act.

[T.D. ATF-294, 55 FR 5421, Feb. 14, 1990, as amended by T.D. ATF-425, 65 FR 11892, Mar. 7, 2000]

Subpart C—Health Warning Statement Requirements for Alcoholic Beverages**§ 16.20 General.**

(a) *Domestic products.* On and after November 18, 1989, no person shall bottle for sale or distribution in the United States any alcoholic beverage unless the container of such beverage bears the health warning statement required by § 16.21. It is the responsibility of the bottler to provide, upon request, sufficient evidence to establish that the alcoholic beverage was bottled prior to November 18, 1989.

(b) *Imported products.* On and after November 18, 1989, no person shall import for sale or distribution in the United States any alcoholic beverage unless the container of such beverage bears the health warning statement required by § 16.21. This requirement does not apply to alcoholic beverages that were bottled in the foreign country prior to November 18, 1989. It is the responsibility of the importer to provide, upon request, sufficient evidence to establish that the alcoholic beverage was bottled prior to such date.

§ 16.21 Mandatory label information.

There shall be stated on the brand label or separate front label, or on a back or side label, separate and apart from all other information, the following statement:

§16.22

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. (Authority: Sec. 8001, Pub. L. 100-690, 102 Stat. 4181, 27 U.S.C. 215)

§16.22 General requirements.

(a) *Legibility.* (1) All labels shall be so designed that the statement required by §16.21 is readily legible under ordinary conditions, and such statement shall be on a contrasting background.

(2) The first two words of the statement required by §16.21, i.e., "GOVERNMENT WARNING," shall appear in capital letters and in bold type. The remainder of the warning statement may not appear in bold type.

(3) The letters and/or words of the statement required by §16.21 shall not be compressed in such a manner that the warning statement is not readily legible.

(4) The warning statement required by §16.21 shall appear in a maximum number of characters (i.e., letters, numbers, marks) per inch, as follows:

Minimum required type size for warning statement	Maximum number of characters per inch
1 millimeter	40
2 millimeters	25
3 millimeters	12

(b) *Size of type.* (1) Containers of 237 milliliters (8 fl. oz.) or less. The mandatory statement required by §16.21 shall be in script, type, or printing not smaller than 1 millimeter.

(2) Containers of more than 237 milliliters (8 fl. oz.) up to 3 liters (101 fl. oz.). The mandatory statement required by §16.21 shall be in script, type, or printing not smaller than 2 millimeters.

(3) Containers of more than 3 liters (101 fl. oz.). The mandatory statement required by §16.21 shall be in script, type, or printing not smaller than 3 millimeters.

(c) *Labels firmly affixed.* Labels bearing the statement required by §16.21 which are not an integral part of the container shall be affixed to containers of alcoholic beverages in such manner that they cannot be removed without

thorough application of water or other solvents.

[T.D. ATF-294, 55 FR 5421, Feb. 14, 1990, as amended by T.D. 372, 61 FR 20723, May 8, 1996]

Subpart D—General Provisions

§16.30 Certificates of label approval.

Certificates of label/bottle approval or certificates of exemption from label approval on ATF Form 5100.31, issued pursuant to parts 4, 5, and 7 of this chapter for imported and domestically bottled wine, distilled spirits, and malt beverages, shall not be approved with respect to such beverage bottled on and after November 18, 1989, unless the label for the container of such beverage bears the health warning statement required.

[T.D. ATF-294, 55 FR 5421, Feb. 14, 1990, as amended by T.D. ATF-425, 65 FR 11892, Mar. 7, 2000]

§16.31 Exports.

The regulations in this part shall not apply with respect to alcoholic beverages that are produced, 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 produced, 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.

§16.32 Preemption.

No statement relating to alcoholic beverages and health, other than the statement required by §16.21, 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.

§16.33 Civil penalties.

(a) *General.* Any person who violates the provisions of this part shall be subject to a civil penalty of not more than

\$10,000, and each day shall constitute a separate offense.

(b) *Adjusted penalty for violations occurring after October 23, 1996.* Pursuant to the provisions of the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended, the civil penalty provided for in paragraph (a) of this section shall be periodically adjusted in accordance with inflation. Accordingly, for violations occurring after October 23, 1996, the civil penalty shall be not more than \$11,000.

[T.D. ATF-385, 61 FR 54936, Oct. 23, 1996]

PART 17—DRAWBACK ON TAXPAID DISTILLED SPIRITS USED IN MANU- FACTURING NONBEVERAGE PRODUCTS

Subpart A—General Provisions

Sec.

- 17.1 Scope of regulations.
- 17.2 Forms prescribed.
- 17.3 Alternate methods or procedures.
- 17.4 OMB control numbers assigned under the Paperwork Reduction Act.
- 17.5 Products manufactured in Puerto Rico or the Virgin Islands.
- 17.6 Signature authority.
- 17.7 Delegations of the Director.

Subpart B—Definitions

- 17.11 Meaning of terms.

Subpart C—Special Tax

- 17.21 Payment of special tax.
- 17.22 Rate of special tax
- 17.23 Special tax for each place of business.
- 17.24 Time for payment of special tax.

SPECIAL TAX RETURNS

- 17.31 Filing of return and payment of special tax.
- 17.32 Completion of ATF Form 5630.5.
- 17.33 Signature on returns, ATF Form 5630.5.
- 17.34 Verification of returns.

EMPLOYER IDENTIFICATION NUMBER

- 17.41 Requirement for employer identification number.
- 17.42 Application for employer identification number.
- 17.43 Preparation and filing of Form SS-4.

Subpart D—Special Tax Stamps

- 17.51 Issuance of stamps.
- 17.52 Distribution of stamps for multiple locations.

- 17.53 Correction of errors on stamps.
- 17.54 Lost or destroyed stamps.
- 17.55 Retention of special tax stamps.

CHANGE IN LOCATION

- 17.61 General.
- 17.62 Failure to register.
- 17.63 Certificates in lieu of lost stamps.

CHANGE IN CONTROL

- 17.71 General.
- 17.72 Right of succession.
- 17.73 Failure to register.
- 17.74 Certificates in lieu of lost stamps.
- 17.75 Formation of partnership or corporation.
- 17.76 Addition or withdrawal of partners.
- 17.77 Reincorporation.

CHANGE IN NAME OR STYLE

- 17.81 General.
- 17.82 Change in capital stock.
- 17.83 Sale of stock.

REFUND OF SPECIAL TAX

- 17.91 Absence of liability, refund of special tax.
- 17.92 Filing of refund claim.
- 17.93 Time limit for filing refund claim.

Subpart E—Bonds and Consents of Sureties

- 17.101 General.
- 17.102 Amount of bond.
- 17.103 Bonds obtained from surety companies.
- 17.104 Deposit of collateral.
- 17.105 Filing of powers of attorney.
- 17.106 Consents of surety.
- 17.107 Strengthening bonds.
- 17.108 Superseding bonds.

TERMINATION OF BONDS

- 17.111 General.
- 17.112 Notice by surety of termination of bond.
- 17.113 Extent of release of surety from liability under bond.
- 17.114 Release of collateral.

Subpart F—Formulas and Samples

- 17.121 Product formulas.
- 17.122 Amended or revised formulas.
- 17.123 Statement of process.
- 17.124 Samples.
- 17.125 Adoption of formulas and processes.
- 17.126 Formulas for intermediate products.
- 17.127 Self-manufactured ingredients treated optionally as unfinished nonbeverage products.

APPROVAL OF FORMULAS

- 17.131 Formulas on ATF Form 5154.1.
- 17.132 U.S.P., N.F., and H.P.U.S. preparations.