

**Pt. 5**

(b) Any use of the term “organic” on a wine label or in advertising of wine must comply with the United States Department of Agriculture’s (USDA) National Organic Program rules (7 CFR part 205) as interpreted by the USDA.

(c) This section applies to labels and advertising that use the term “organic” on and after October 21, 2002.

[T.D. ATF-483, 67 FR 62858, Oct. 8, 2002]

**PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS**

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- 5.71 Use of the term “organic.”

AUTHORITY: 26 U.S.C. 5301, 7805, 27 U.S.C. 205.

SOURCE: T.D. 7020, 34 FR 20337, Dec. 30, 1969, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 5 appear by T.D. ATF-425, 65 FR 11891, Mar. 7, 2000.

**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.

**§ 5.2 Related regulations.**

The following regulations also relate to this part:

- 7 CFR Part 205—National Organic Program
- 27 CFR Part 1—Basic Permit Requirements Under the Federal Alcohol Administration Act, Nonindustrial Use of Distilled Spirits and Wine, 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  
 27 CFR Part 13—Labeling Proceedings  
 27 CFR Part 16—Alcoholic Beverage Health Warning Statement  
 27 CFR Part 19—Distilled Spirits Plants  
 27 CFR Part 26—Liquors and Articles From Puerto Rico and the Virgin Islands  
 27 CFR Part 27—Importation of Distilled Spirits, Wines, and Beer  
 27 CFR Part 28—Exportation of Alcohol  
 27 CFR Part 71—Rules of Practice in Permit Proceedings

[T.D. ATF-483, 67 FR 62858, Oct. 8, 2002, as amended by T.D. TTB-8, 69 FR 3829, Jan. 27, 2004]

### § 5.3 Forms prescribed.

(a) The appropriate TTB officer is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part. The form will be filed in accordance with the instructions for the form.

(b) Forms prescribed by this part are available for printing through the TTB Web site (<http://www.ttb.gov>) or by mailing a request to the Alcohol and Tobacco Tax and Trade Bureau, National Revenue Center, 550 Main Street, Room 1516, Cincinnati, OH 45202.

[T.D. ATF-92, 46 FR 46912, Sept. 23, 1981, as amended by T.D. ATF-249, 52 FR 5956, Feb. 27, 1987; T.D. 372, 61 FR 20723, May 8, 1996; T.D. ATF-425, 65 FR 11891, Mar. 7, 2000; T.D. TTB-44, 71 FR 16921, Apr. 4, 2006]

### § 5.4 Delegations of the Administrator.

Most of the regulatory authorities of the Administrator contained in this part are delegated to appropriate TTB officers. These TTB officers are specified in TTB Order 1135.5, Delegation of the Administrator's Authorities in 27 CFR Part 5, Labeling and Advertising of Distilled Spirits. You may obtain a copy of this order by accessing the TTB Web site (<http://www.ttb.gov>) or by mailing a request to the Alcohol and Tobacco Tax and Trade Bureau, National Revenue Center, 550 Main Street, Room 1516, Cincinnati, OH 45202.

[T.D. TTB-44, 71 FR 16921, Apr. 4, 2006]

## 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.

*Act.* The Federal Alcohol Administration Act.

*Administrator.* The Administrator, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, Washington, DC.

*Advertisement.* See § 5.62 for meaning of term as used in subpart H of this part.

*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.

*Appropriate TTB officer.* An officer or employee of the Alcohol and Tobacco Tax and Trade Bureau (TTB) authorized to perform any functions relating to the administration or enforcement of this part by TTB Order 1135.5, Delegation of the Administrator's Authorities in 27 CFR Part 5, Labeling and Advertising of Distilled Spirits.

*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.