

not apply to organic claims on alcohol beverage labels. See § 13.101.

[T.D. ATF-406, 64 FR 2129, Jan. 13, 1999, as amended by T.D. ATF-483, 67 FR 62858, Oct. 8, 2002]

### § 13.2 Delegations of the Administrator.

The regulatory authorities of the Administrator contained in this part are delegated to appropriate TTB officers. These TTB officers are specified in TTB Order 1135.13, Delegation of the Administrator's Authorities in 27 CFR Part 13, Labeling Proceedings. 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 16924, Apr. 4, 2006]

### § 13.3 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 5—Labeling and Advertising of Distilled Spirits
- 27 CFR Part 7—Labeling and Advertising of Malt Beverages
- 27 CFR Part 9—American Viticultural Areas
- 27 CFR Part 12—Foreign Nongeneric Names of Geographic Significance Used in the Designation of Wines
- 27 CFR Part 16—Alcoholic Beverage Health Warning Statement
- 27 CFR Part 19—Distilled Spirits Plants
- 27 CFR Part 24—Wine
- 27 CFR Part 25—Beer
- 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 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]

## Subpart B—Definitions

### § 13.11 Meaning of terms.

Where 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 subpart. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms “include” and “including” do not exclude things not enumerated that are in the same general class.

*Act.* The Federal Alcohol Administration Act.

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

*Applicant.* The permittee or brewer whose name, address, and basic permit number, or plant registry number, appears on an unapproved Form 5100.31, application for a certificate of label approval, certificate of exemption from label approval, or distinctive liquor bottle approval.

*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 1135.13, Delegation of the Administrator's Authorities in 27 CFR Part 13, Labeling Proceedings.

*Brewer.* Any person who brews beer (except a person who produces only beer exempt from tax under 26 U.S.C. 5053(e)) and any person who produces beer for sale.

*Certificate holder.* The permittee or brewer whose name, address, and basic permit number, or plant registry number, appears on an approved Form 5100.31, certificate of label approval, certificate of exemption from label approval, or distinctive liquor bottle approval.

*Certificate of exemption from label approval.* A certificate issued on Form 5100.31 which authorizes the bottling of wine or distilled spirits, under the condition that the product will under no circumstances be sold, offered for sale,

shipped, delivered for shipment, or otherwise introduced by the applicant, directly or indirectly, into interstate or foreign commerce.

*Certificate of label approval.* A certificate issued on Form 5100.31 that authorizes the bottling or packing of wine, distilled spirits, or malt beverages, or the removal of bottled wine, distilled spirits, or malt beverages from customs custody for introduction into commerce, as long as the project bears labels identical to the labels affixed to the face of the certificate, or labels with changes authorized by the certificate.

*Distilled spirits.* Ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whisky, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof for nonindustrial use. The term “distilled spirits” does not include mixtures containing wine, bottled at 48 degrees of proof or less, if the mixture contains more than 50 percent wine on a proof gallon basis.

*Distinctive liquor bottle.* A liquor bottle of distinctive shape or design.

*Distinctive liquor bottle approval.* Approval issued on Form 5100.31 that authorizes the bottling of distilled spirits, or the removal of bottled distilled spirits from customs custody for introduction into commerce, as long as the bottle is identical to the photograph affixed to the face of the form.

*Interstate or foreign commerce.* Commerce between any State and any place outside that State, or commerce within any Territory or the District of Columbia, or between points within the same State but through any place outside that State.

*Liquor bottle.* A bottle made of glass or earthenware, or of other suitable material approved by the Food and Drug Administration, which has been designed or is intended for use as a container for distilled spirits for sale for beverage purposes, and which has been determined by the appropriate TTB officer to protect the revenue adequately.

*Malt beverage.* A beverage made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without

other malted cereals, and with or without the addition of unmalted or prepared cereals, other carbohydrates, or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

*Permittee.* Any person holding a basic permit under the Federal Alcohol Administration Act.

*Person.* Any individual, partnership, joint stock company, business trust, association, corporation, or other form of business enterprise, including a receiver, trustee, or liquidating agent and including an officer or employee of any agency of a State or political subdivision thereof.

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

*United States.* The several States and Territories and the District of Columbia; the term “State” includes a Territory and the District of Columbia; and the term “Territory” means the Commonwealth of Puerto Rico.

*Use of other terms.* Any other term defined in the Federal Alcohol Administration Act and used in this part shall have the same meaning assigned to it by the Act.

*Wine.* (1) Wine as defined in section 610 and section 617 of the Revenue Act of 1918 (26 U.S.C. 5381–5392), only if for nonindustrial use and containing not less than 7 percent and not more than 24 percent of alcohol by volume; and

(2) Other alcoholic beverages not so defined, but made in the manner of wine, including sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than the juice of sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry, and sake, only if for nonindustrial use and containing not less than 7 percent and not more than 24 percent of alcohol by volume.

[T.D. ATF-406, 64 FR 2129, Jan. 13, 1999, as amended by T.D. ATF-449, 66 FR 19085, Apr. 13, 2001; T.D. TTB-44, 71 FR 16924, Apr. 4, 2006; T.D. TTB-91, 76 FR 5477, Feb. 1, 2011]