

*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.

*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” shall 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.

*Gallon.* U.S. gallon of 231 cubic inches of alcoholic beverage at 60 °F.

*In bulk.* In containers having a capacity in excess of 1 wine gallon (3.785 liters).

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

*Liter or litre.* A metric unit of capacity equal to 1,000 cubic centimeters of distilled spirits at 15.56 °C (60 °F.), and equivalent to 33.814 U.S. fluid ounces. A liter is subdivided into 1,000 milliliters. milliliter or milliliters may be abbreviated as “ml”.

*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; and the term “trade buyer” means any person who is a wholesaler or retailer.

*Produced at.* As used in §§ 5.22 and 5.52 in conjunction with specific degrees of proof to describe the standards of iden-

tity, means the composite proof of the spirits after completion of distillation and before reduction in proof.

*Proof gallon.* A gallon of liquid at 60 °F. which contains 50 percent by volume of ethyl alcohol having a specific gravity of 0.7939 at 60 °F. referred to water at 60 °F. as unity, or the alcoholic equivalent thereof.

*Season.* The period from January 1 through June 30, is the spring season and the period from July 1 through December 31 is the fall season.

*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.

(26 U.S.C. 7805 (68 Stat. 917, as amended); 27 U.S.C. 205 (49 Stat. 981, as amended))

[T.D. ATF-48, 43 FR 13533, Mar. 31, 1978; 44 FR 55839, Sept. 28, 1979, as amended by T.D. ATF-62, 44 FR 71620, Dec. 11, 1979; T.D. ATF-66, 45 FR 40547, June 13, 1980; T.D. ATF-94, 46 FR 55096, Nov. 6, 1981; T.D. ATF-198, 50 FR 8463, Mar. 1, 1985; T.D. ATF-230, 51 FR 21748, June 16, 1986; T.D. ATF-425, 65 FR 11891, Mar. 7, 2000; T.D. TTB-44, 71 FR 16921, Apr. 4, 2006]

### Subpart C—Standards of Identity for Distilled Spirits

#### § 5.21 Application of standards.

The standards of identity for the several classes and types of distilled spirits set forth in this part shall be applicable only to distilled spirits for beverage or other nonindustrial purposes.

#### § 5.22 The standards of identity.

Standards of identity for the several classes and types of distilled spirits set forth in this section shall be as follows (see also § 5.35, class and type):

(a) *Class 1; neutral spirits or alcohol.* “Neutral spirits” or “alcohol” are distilled spirits produced from any material at or above 190° proof, and, if bottled, bottled at not less than 80° proof.

(1) “Vodka” is neutral spirits so distilled, or so treated after distillation with charcoal or other materials, as to be without distinctive character, aroma, taste, or color.

(2) “Grain spirits” are neutral spirits distilled from a fermented mash of grain and stored in oak containers.