(d) **Qualifying statements.** Words or phrases qualifying statements of net contents are prohibited.

(Sec. 5, 49 Stat. 981, as amended (27 U.S.C. 205); 26 U.S.C. 5303)


§ 5.39 **Presence of neutral spirits and coloring, flavoring, and blending materials.**

(a) **Neutral spirits and name of commodity.** (1) In the case of distilled spirits (other than cordials, liqueurs, and specialties) produced by blending or rectification, if neutral spirits have been used in the production thereof, there shall be stated the percentage of neutral spirits so used and the name of the commodity from which such neutral spirits have been distilled. The statement of percentage and the name of the commodity shall be made in substantially the following form: 

```markdown
'_% neutral spirits distilled from (insert grain, cane products, or fruit as appropriate)'
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or

```markdown
'% neutral spirits (vodka) distilled from (insert grain, cane products, or fruit, as appropriate)'
```

or

```markdown
'_% grain (cane products), (fruit) neutral spirits'
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or

```markdown
'_% grain spirits.'
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(2) In the case of neutral spirits or of gin produced by a process of continuous distillation, there shall be stated the name of the commodity from which such neutral spirits or gin have been distilled. The statement of the name of the commodity shall be made in substantially the following form: 

```markdown
'Distilled from grain', or 'Distilled from cane products', or 'Distilled from fruit'.
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(b) **Coloring materials.** The words “artificially colored” shall be stated on the label of any distilled spirits containing synthetic or natural materials which primarily contribute color, or when the label conveys the impression that the color is derived from a source other than the actual source, except that:

(1) If no coloring material other than natural flavoring material has been added, there may be stated in lieu of the words “artificially colored” a truthful and adequate statement of the source of the color;

(2) If no coloring material other than those certified as suitable for use in foods by the Food and Drug Administration has been added, there may be stated in lieu of the words “artificially colored,” the words “certified color added”; and

(3) If no coloring material other than caramel has been added, there may be stated in lieu of the words “artificially colored,” the words “colored with caramel,” or a substantially similar statement, but no such statement is required for the use of caramel in brandy, rum, or tequila, or in any type of whisky other than straight whisky.

(c) **Treatment with wood.** The words “colored and flavored with wood (insert chips, slabs, etc., as appropriate)” shall be stated as a part of the class and type designation for whisky and brandy treated, in whole or in part, with wood through percolation, or otherwise, during distillation or storage, other than through contact with the oak container. *Provided,* that the above statement shall not apply to brandy treated with an infusion of oak chip in accordance with §5.23(a).


§ 5.40 **Statements of age and percentage.**

(a) **Statements of age and percentage for whisky.** In the case of straight whisky bottled in conformity with the bottled in bond labeling requirements and of domestic or foreign whisky, whether or not mixed or blended, all of which is 4 years old or more, statements of age and percentage are optional. As to all other whiskies there shall be stated the following:

(1) In the case of whisky, whether or not mixed or blended but containing no neutral spirits, the age of the youngest whisky. The age statement shall read substantially as follows: “__ years old.”

(2) In the case of whisky, containing neutral spirits, if any of the straight whisky and/or other whisky is less than 4 years old, the percentage by volume of straight whisky and/or other whisky, and the age of the straight whisky
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(the youngest if two or more) and the age of such other whisky (the youngest if two or more). If all the straight whisky and/or other whisky is 4 years or more old, the age and percentage statement for such whiskies is optional. The age and percentage statement for straight whiskies and/or other whisky, whether required or optional, shall be stated in immediate conjunction with the neutral spirits statement required by §5.39, and shall read substantially as follows:

(i) If only one straight whisky and no other whisky is contained in the blend: 

   “____ percent straight whisky ____ years old.”

(ii) If more than one straight whisky and no other whisky is contained in the blend: 

   “____ percent straight whiskies ____ years or more old.” The age blank shall be filled in with the age of the youngest straight whisky. In lieu of the foregoing, a statement may be made of the ages and percentages of each of the straight whiskies contained in the blend: “____ percent straight whisky ____ years old, ____ percent straight whisky ____ years old, and ____ percent straight whisky ____ years old.”

(iii) If only one straight whisky and one other whisky is contained in the blend: 

   “____ percent straight whisky ____ years old, ____ percent whisky ____ years old.”

(iv) If more than one straight whisky and more than one other whisky is contained in the blend: “____ percent straight whiskies ____ years or more old, ____ percent whiskies ____ years or more old.” The age blanks shall be filled in with the ages of the youngest straight whisky and the youngest other whisky. In lieu of the foregoing, a statement may be made of the ages and percentages of each of the straight whiskies and other whiskies contained in the blend: “____ percent straight whisky ____ years old, ____ percent straight whisky ____ years old, ____ percent whisky ____ years old, and ____ percent whisky ____ years old.”

(4) Notwithstanding the foregoing provisions of this paragraph, in the case of whisky produced in the United States and stored in reused oak containers, except for corn whisky, and for light whisky produced on or after January 26, 1968, there shall be stated in lieu of the words “____ years old” the period of storage in reused oak containers as follows: “___ stored ___ years in reused cooperage.”

(5) Optional age statements shall appear in the same form as required age statements.

(b) Statements of age for rum, brandy, and Tequila. Age may, but need not, be stated on labels of rums, brandies, and Tequila, except that an appropriate statement with respect to age shall appear on the brand label in case of brandy (other than immature brandies and fruit brandies which are not customarily stored in oak containers) not stored in oak containers for a period of at least 2 years. If age is stated, it shall be substantially as follows: “____ years old”; the blank to be filled in with the age of the youngest distilled spirits in the product.

(c) Statement of storage for grain spirits. In case of grain spirits, the period of storage in oak containers may be stated in immediate conjunction with the required percentage statement; for example, “____ % grain spirits stored ____ years in oak containers.”

(d) Other distilled spirits. Age, maturity, or similar statements or representations as to neutral spirits (except for grain spirits as stated in paragraph (c) of this section), gin, liqueurs, cordials, cocktails, highballs, bitters, flavored brandy, flavored gin, flavored rum, flavored vodka, flavored whisky, and specialties are misleading and are prohibited from being stated on any label.

(e) Miscellaneous age representations.

(1) Age may be understated but shall not be overstated.

(2) If any age, maturity, or similar representation is made relative to any distilled spirits (such representations for products enumerated in paragraph (d) of this section are prohibited), the age shall also be stated on all labels where such representation appears, and in a manner substantially as conspicuous as such representation: Provided. That the use of the word “old” or
other word denoting age, as part of the brand name, shall not be deemed to be an age representation: And provided further, That the labels of whiskies and brandies (except immature brandies) not required to bear a statement of age, and rum and Tequila aged for not less than 4 years, may contain general inconspicuous age, maturity or similar representations without the label bearing an age statement.  

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


§ 5.42 Prohibited practices.  

(a) Statements on labels. Bottles containing distilled spirits, or any labels on such bottles, or any individual covering, carton, or other container of such bottles used for sale at retail, or any written, printed, graphic, or other matter accompanying such bottles to the consumer shall not contain:  

(1) Any statement that is false or untrue in any particular, or that, irrespective of falsity, directly, or by ambiguity, omission, or inference, or by the addition of irrelevant, scientific or technical matter, tends to create a misleading impression.  

(2) Any statement that is disparaging of a competitor’s product.  

(3) Any statement, design, device, or representation which is obscene or indecent.  

(4) Any statement, design, device, or representation of or relating to analyses, standards, or tests, irrespective of falsity, which the appropriate TTB officer finds to be likely to mislead the consumer.  

(5) Any statement, design, device, or representation of or relating to any guarantee, irrespective of falsity, which the appropriate TTB officer finds to be likely to mislead the consumer. Money-back guarantees are not prohibited.  

(6) A trade or brand name that is the name of any living individual of public prominence, or existing private or public organization, or is a name that is in simulation or is an abbreviation thereof, or any graphic, pictorial, or emblematic representation of any such individual or organization: Provided, That this paragraph shall not apply to the use of the name of any person engaged in business as a distiller, rectifier, blender, or other producer, or as an importer, wholesaler, retailer, bottler, or warehouseman, of distilled spirits, nor to the use by any person of a trade or brand name that is the name