consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date. ATF will not recognize any material in comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting the comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on the proposed amendments to the regulations should submit his or her request, in writing, to the Director within the 60-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, if a public hearing is necessary.

#### **Disclosure**

Copies of this notice and the written comments will be available for public inspection during normal business hours at: ATF Public Reading Room, Room 6480, 650 Massachusetts Avenue, NW., Washington, DC 20226

#### **Drafting Information**

The principal author of this document is Daniel J. Hiland, Alcohol and Tobacco Programs Division, Bureau of Alcohol, Tobacco and Firearms.

## **List of Subjects**

27 CFR Part 4

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Liquors, Packaging and containers, Wine.

#### 27 CFR Part 5

Advertising, Consumer protection, Customs duties and inspection, Imports, Liquors, Packaging and containers.

### 27 CFR Part 7

Advertising, Consumer Protection, Customs duties and inspection, Imports, Labeling.

#### **Issuance**

Title 27, Chapter I, is proposed to be amended as follows:

# PART 4—LABELING AND ADVERTISING OF WINE

**Paragraph 1.** The authority citation for 27 CFR Part 4 continues to read as follows:

Authority: 27 U.S.C. 205.

**Par. 2.** Section 4.30(b) is revised, and new paragraphs (c) and (d) are added to read as follows:

#### § 4.30 General.

\* \* \* \* \*

(b) Alteration of labels. (1) It shall be unlawful for any person to alter, mutilate, destroy, obliterate, or remove any mark, brand, or label upon wine held for sale in interstate or foreign commerce or after shipment therein, including wine held in Customs bonded warehouses or foreign trade zones, except as authorized by Federal law, or as provided for in this section.

(2) Relabeling. (i) Persons may engage in additional labeling or relabeling of wine in containers for purposes of compliance with the requirements of this subpart or of State law only if the new labels are covered by certificates of label approval, and the relabeling will not result in the removal from the container or label of a product identification code placed on the container or label by the producer for tracing purposes. For purposes of this section, the term "product identification code" includes any numbers, letters symbols, dates, or other codes placed on the label or container by which the producer may be able to trace a product back to a particular production lot or batch, bottling line, or date of removal.

(ii) Persons who wish to relabel in accordance with paragraph (b)(2)(i) of this section must give prior written notice to the Director of their intent to relabel. A notice of intent to relabel wine shall be accompanied by two complete sets of the old labels and two complete sets of any proposed new labels, together with a statement of the reasons for relabeling, the quantity and the location of the wine, and the name and address of the person conducting the relabeling activity. In addition, persons desiring to relabel wine must provide evidence that they have applied for and received a certificate of label approval, ATF F 5100.31, covering such products.

(3) Labels identifying wholesale or retail distributor. There may be added to the container, after removal from customs custody, or prior to or after removal from the premises where bottled or packed, without notice to ATF, a label identifying the wholesale or retail distributor thereof or identifying the purchaser or consumer, and containing no references whatever to the characteristics of the products.

(c) Customs bonded warehouses. (1) Domestic wines which have been removed without payment of tax for transfer to a Customs bonded warehouse pending exportation may be relabeled without notice to ATF, as long as such relabeling is done under the supervision of Customs officers, in compliance with all applicable Customs requirements,

and the effect of the relabeling is not to remove from the container or label any markings which are required under part 24 of this chapter, or any product identification code placed on the container or label by the producer for tracing purposes.

(2) Imported wines held in a Customs bonded warehouse may be relabeled without notice to ATF, as long as such relabeling is done under the supervision of Customs officers, in compliance with all applicable Customs requirements, and the effect of the relabeling is not to remove from the container or label any product identification code placed on the container or label by the producer for tracing purposes. As provided in § 4.40, imported beverage wine in containers shall not be released from Customs custody for consumption without a certificate of label approval.

(d) Foreign trade zones. (1) Domestic wines which have been withdrawn without payment of tax for deposit in a foreign trade zone pending exportation may be relabeled without notice to ATF as long as such relabeling is done under the supervision of Customs officers, in compliance with all applicable Customs requirements, and the effect of the relabeling is not to remove from the container or label any markings required by Part 24 of this chapter, or any product identification code placed on the container or label by the producer for tracing purposes.

(2) Imported wines which have been entered into a foreign trade zone may be relabeled without notice to ATF, as long as such relabeling is done under Customs supervision and in compliance with Customs requirements, and the effect of such relabeling is not to remove from the label or container any product identification code placed on the label or container by the producer for tracing purposes. As provided in § 4.40, imported beverage wine in containers shall not be released from Customs custody for consumption without a certificate of label approval.

*Par. 3.* Section 4.80 is revised to read as follows:

### § 4.80 Exports.

With the exception of the regulations at  $\S 4.30(b)$ , (c), and (d), the regulations in this part shall not apply to wine exported in bond.

# PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

**Par. 4.** The authority citation for 27 CFR part 5 continues to read as follows:

**Authority:** 26 U.S.C. 5301, 7805; 27 U.S.C.