Par. 5. Section 5.1 is revised to read as follows:

§ 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. With the exception of the regulations at § 5.31(b), (c), and (d), the regulations in this part do not apply to distilled spirits for export.

Par. 6. Section 5.31 (b) is revised, and new paragraphs (c) and (d) are added to read as follows:

§5.31 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 distilled spirits held for sale in interstate or foreign commerce or after shipment therein, including distilled spirits held in Customs bonded warehouses or foreign trade zones, except as authorized by Federal law, or as provided in this section.
- (2) Relabeling. (i) Persons may engage in additional labeling or relabeling of distilled spirits 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 distilled spirits 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 distilled spirits, and the name and address of the person conducting the relabeling activity. In addition, persons desiring to relabel distilled spirits 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 bottle, after removal from customs custody, or prior to or after removal from bonded premises, 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 product.
- (c) Customs bonded warehouses. (1) Domestic distilled spirits 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 19 of this chapter, or any product identification code placed on the container or label by the producer for tracing purposes.
- (2) Imported distilled spirits 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 § 5.51, bottled distilled spirits shall not be released from Customs custody for consumption without a certificate of label approval.
- (d) Foreign trade zones. (1) Domestic distilled spirits 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 19 of this chapter, or any product identification code placed on the container or label by the producer for tracing purposes.
- (2) Imported distilled spirits 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 § 5.51, bottled distilled spirits shall not be released from

Customs custody for consumption without a certificate of label approval.

PART 7—LABELING AND ADVERTISING OF MALT BEVERAGES

Par. 7. The authority citation for 27 CFR Part 7 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 8. Section 7.20 is amended by revising paragraph (c), and adding new paragraphs (d) and (e) to read as follows:

§7.20 General.

* * * * *

- (c) Alteration of labels. (1) It shall be unlawful for any person to alter, mutilate, destroy, obliterate, or remove any mark, brand, or label upon malt beverages held for sale in interstate or foreign commerce or after shipment therein, including malt beverages held in Customs bonded warehouses or foreign trade zones, except as authorized by Federal law, or as provided in this section.
- (2) Relabeling. (i) Malt beverages in containers may be relabeled 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 (c)(2)(i) of this section must give prior written notice to the Director of their intent to relabel. A notice of intent to relabel malt beverages 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 malt beverages, and the name and address of the person conducting the relabeling activity. In addition, persons desiring to relabel malt beverages 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 bottle, after removal from customs custody, or prior to or after removal from bonded premises, without notice to ATF, a label identifying the wholesale or retail distributor thereof or