

COMPLIANCE MATTERS

94-1

This issue of *Compliance Matters* contains an organizational chart and a comprehensive breakdown of Industry Compliance Division. Included is a list of the primary functions performed by each branch or section and the name of the specialist(s), within each branch or section, to whom the specific function has been assigned.

In addition, a complete list of Regional Offices and Technical Services Sections, together with addresses, telephone numbers, fax numbers and a list of the specific states served by each Regional Office and Technical Services Sections, has been provided.

This issue also contains the following Industry Circulars:

* Government Warning Statement 93-9 Date 12/3/93

* Exemption From Mandatory Age Statements for Grappa Brandy (27 CFR 5.40(b)) 93-9 Date 1/11/94

Rescission of Certificates of Analysis Requirements for Imported Argentine Wines 93-10 Date 1/18/94

* Since duplicate numbers were used in issuing IC #93-9, when making references to these circulars, please refer to the appropriate title and date.

DISTILLED SPIRITS AGE STATEMENTS ON GRAPPAS

An industry circular holding that age statements are no longer required on labels of grappas aged less than two years has been published. This issue of COMPLIANCE MATTERS contains a copy of the industry circular. A number of recent inquiries initiated extensive research on grappa and aging. We concluded from this research that grappa is not customarily stored in oak. Grappa, therefore, falls within the regulatory provision that exempts "fruit brandy not customarily stored in oak containers" from labeling requirements regarding age statements. New certificates of label approval are NOT required to delete previously required age/"unaged" statements from approved certificates.

It should be noted that this industry circular, which will be followed by a ruling, will not apply to products labeled as "marc brandy".

COLAS FOR IMPORTED BRANDY

As stated in COMPLIANCE MATTERS 93-1 and effective October 1, 1993, Alcohol Labeling and Formulation Branch (ALFB) is no longer issuing Certificates of Label Approval (COLAs) for imported brandy with the qualification "pending laboratory analysis."

These applications will be processed only if a completed laboratory analysis accompanies the COLA application. ALFB will continue to exempt Cognac, Armagnac, and Calvados brandies from these requirements.

FLAVORED DISTILLED SPIRITS (CLASS 9)

Treasury Decision (T.D. ATF-324, 57 FR 29017), effective July 30, 1992, advised industry members that the minimum alcohol content for Class 9 distilled spirits (flavored brandy, flavored gin, flavored rum, flavored vodka and flavored whisky) had been lowered from 70 proof to 60 proof. This T.D., however, did not provide any specific guidelines which industry members could follow to correct those previously approved Class 9 products which had been approved with a minimum alcohol content of 70 proof.

ALFB has been approving COLAs for Class 9 distilled spirits subject to the submission of a revised formula which lowers the alcohol content from 70 to 60 proof. Additionally, industry members may submit revised formulas for Class 9 distilled spirits prior to or in conjunction with their COLA application.

FORMULA SUBMISSIONS FOR DISTILLED SPIRITS

ALFB requests that those domestic producers of distilled spirits who file formulas for products on ATF Form 5110.38 enter, in item 1, the appropriate class and type of distilled spirits as stated in 27 CFR Part 5 (whisky, liqueur, flavored rum, distilled spirits specialty, etc.). This will enable our formula specialists to provide those labeling requirements which are specific to the type of product you wish to produce.

MALT BEVERAGES MINIMUM REQUIREMENTS FOR MALT BEVERAGE (BEER) PRODUCTS

Since 1970, the following minimum requirements have been used by ATF (and its predecessor agency) for products which will be

marketed as malt beverages or beer:

- 1) Brewing Water: Materials used for treating brewing water have not been officially classified as brewing adjuncts by ATF. However, all materials used for this purpose must be unobjectionable under laws and regulations administered by the United States Food and Drug Administration.
- 2) Malt: A malt beverage (beer) must be made with at least 25 percent malt calculated as the percentage of malt (by weight) compared to the total dry weight of all ingredients which contribute fermentable extract to the base product.
- 3) Hops: A malt beverage (beer) must be made with at least 7.5 pounds of hops (or the equivalent thereof in hop extracts or hop oils) per 100 barrels (3100 gallons) of the base product (beer, ale, etc.).

PROPOSED RULING FOR ICE BEER

ATF is considering a proposed Ruling concerning the application of a de minimis concept to ice beer (not more than 0.5% by volume) with regard to the volume by which a malt beverage may be reduced due to supercooling. Ice beers are malt beverage products which have been supercooled to form ice crystals during the brewing processing.

In addition, the Ruling would hold that a volume of water, which is at least equivalent to the volume that had been removed thru supercooling, must be added back to the product prior to bottling. This Ruling will be open for industry comments.

STATEMENTS OF PROCESS REQUIRED FOR ICE BEER AND CLEAR MALT BEVERAGE PRODUCTS

Statements of process are required to be submitted together with applications for Certificates of Label Approval (COLAs) for all "Ice Beers" and "Clear" Malt Beverage Products.

Clear Malt Beverages are malt beverage products from which the color has been removed by physical or chemical means.

Ice Beers are malt beverage products which have been supercooled to form ice crystals during the brewing process.

Please add these products to the list of Malt Beverages, Foreign and Domestic, provided in COMPLIANCE MATTERS (93-1) which require the submission of a statement of process (and a sample in the case of "clear beer") in conjunction with the application for label approval.

LABELING

LABELS SUBMITTED FOR INFORMAL COMMENT

Labels submitted for informal comment are commonly submitted to ATF on bond paper or received by fax. When submitted in this format, processing time for informals is extended because our first priority is to process labels that are submitted on ATF Form 5100.31, Application for & Certification/Exemption of Label/Bottle Approval (COLAs). By submitting labels for informal comment on this form, as well as completing the application, you will receive faster service. In addition, if labels are approvable, the certificate will be issued at that time, eliminating the need to resubmit.

RETENTION OF REJECTED LABELS

As of March 1, 1994, if your label application is rejected, we will keep one of the application forms for our records. We can better address your questions and concerns by retaining one of your application forms in addition to a copy of the correction notice (ATF Form 5190.1)

Please remember that, when the revised label application is submitted, it must be submitted in duplicate and must have a copy of the correction sheet attached.

LABELING OF COCKTAILS

Under 27 CFR 5.35(b)(1), trade and consumer-recognized distilled spirits cocktails may be labeled with an abbreviated statement of composition. This abbreviated statement is a declaration of the spirits components of the cocktail, e.g., "Screwdriver made with Vodka." (The spirits declaration must appear with the cocktail name.) No reference to flavoring materials is required with the declaration of spirits or anywhere else on the label. In the past, ATF held that the mandatory color reference had to appear as part of the abbreviated composition statement. We have reconsidered our position on this issue. Beginning immediately, USE OF COLORING MATERIALS IN CONSUMER RECOGNIZED DISTILLED SPIRITS COCKTAILS MAY BE DISCLOSED ON A FRONT OR BACK LABEL. The color reference is no longer required to appear with the declaration of spirits.

CONSUMER RECOGNIZED COCKTAILS

APRICOT SOUR	GRASSHOPPER	PINK SQUIRREL
BLOODY MARY	MAI TAI	SCREWDRIVER
BLACK RUSSIAN	MANHATTAN	SLOE GIN FIZZ
BRANDY ALEXANDER	MARGARITA	TOM COLLINS
DAIQUIRI	MARTINI	WALLBANGER

EGG NOG
GIMLET

MINT JULEP
OLD FASHIONED
REQUEST FOR EXPEDITES OF LABELS

WHISKEY SOUR
WHITE RUSSIAN

Label expedite requests for mail-in or front desk should be addressed to Chief, Labeling Section, Karen Freelove and contain specific documentation upon which the request is based (bottling schedule, shipping document, etc.).

PRE-IMPORT ANALYSIS CHANGE IN 5 YEAR REQUIREMENTS FOR PRE-IMPORT ANALYSIS

In an effort to streamline the pre-import approval process, Alcohol Labeling and Formulation Branch (ALFB) will no longer require the resubmission of samples and Statements of Process and Methods of Manufacture for those imported products whose laboratory analysis is five (5) or more years old and whose formulation has not changed. Effective immediately, importers may provide a letter, on the company's letterhead, together with submissions of label applications, requesting that the pre-import letter for the product be re-validated with an effective date which will be five (5) years from the date of the importer's letter. This letter of request must be accompanied with a copy of the original pre-import analysis and a currently dated certification, on the foreign producer's letterhead, stating that the referenced product is manufactured in the same manner and with the same ingredients as those which were used when the product was originally imported.

The original laboratory analysis number will appear on the new Certificate of Label Approval (COLAs) application. The new effective date of the pre-import letter will be entered on the COLA by the ATF labeling specialist at the time of approval.

CHANGE IN PRE-IMPORT APPROVAL FOR LIQUEURS

ALFB, Formula and Processing Section, will soon implement a pilot program involving the pre-import approval of liqueurs without the previously required laboratory analysis.

The pre-import approval will be based on a comprehensive list of ingredients and method of manufacture provided on the foreign producer's letterhead. ALFB will establish a list of the specific criteria required to be provided by the foreign producer. It is anticipated that the implementation of this pilot will be April, 1994.

MISCELLANEOUS WHERE TO REQUEST ATF FORMS

Industry members are advised that copies of ATF forms (COLAs, formulas, etc.) may be ordered by calling ATF's Distribution Center at (703) 455-7801.

COMPLIANCE OPERATIONS JOINS INTERNET PILOT PROGRAM

The Office of Compliance Operations is participating in a Department of Treasury pilot test involving the development of direct Treasury access to the Internet.

Access to Internet is through a network called NSFNET which is managed by the National Science Foundation.

Currently, the protocol address 198.83.2.20 may be used to access this system. The domain address ATF.USTREAS.GOV should be available for use by February 28, 1994.

This COMPLIANCE MATTER (94-1) is accessible on Internet at the appropriate protocol or domain address specified above.

If you have any questions regarding access to ATF issuances via Internet, please contact Michael Breen, Information and Management Services Section, at (202) 927-7830.

If you have any ideas or items of interest you would like to submit for consideration in a future issue of COMPLIANCE MATTERS or if you have any questions concerning articles contained in this publication please contact:

Bureau of Alcohol, Tobacco & Firearms
COMPLIANCE MATTERS Coordinator
Wanda Williams
Room 5200
650 Massachusetts Avenue, NW
Washington, DC 20226

**Bureau of Alcohol, Tobacco and Firearms
Regional Offices - (1/94)**

North Atlantic Region

Bruce Weininger
Regional Director
6 World Trade Center
6th Floor
New York, NY 10048
(212) 264-2328

Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont

Philadelphia Technical Services

Bob Hardt
ATF
841 Chestnut Building
Room 380
Philadelphia, PA 19107
(215) 597-2764

Midwest Region

Wayne Moran
Regional Director
300 S. Riverside Plaza
Suite 310
Chicago, IL 60606-6166
(312) 353-1967

Illinois, Indiana, Kentucky, Michigan, Minnesota, North Dakota, Ohio, South Dakota, West Virginia, Wisconsin

Cincinnati Technical Services

Mary Lerch
ATF
550 Main Street
Cincinnati, OH 45203
(513) 684-3334

Southeast Region

Larry J. Moore
Regional Director
2600 Century Parkway, NE
Atlanta, GA 30345
(404) 679-5010

Alabama, Florida, Georgia, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virgin Islands, Virginia, Washington, DC

Atlanta Technical Services

Myrna Gilleland
ATF
2600 Century Parkway, NE
Atlanta, GA 30345
(404) 679-5080

Southwest Region

Harriet Bobo
Regional Director
1114 Commerce Street
7th Floor
Dallas, TX 75242
(214) 767-2280

Arkansas, Colorado, Iowa, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Texas, Wyoming

Dallas Technical Services

Claude Maraist
ATF
1114 Commerce Street
7th Floor
Dallas, TX 75242
(214) 767-2281

Western Regions

Harry Alder
Regional Director
221 Main Street
11th Floor
San Francisco, CA 94105
(415) 974-9616

Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington

San Francisco Technical Services

Gloria Bieniek
ATF
221 Main Street
11th Floor
San Francisco, CA 94105
(415) 974-9419

INDUSTRY COMPLIANCE DIVISION PHONE GUIDE - (1/94)

Product Compliance Branch - Chief, Jerry Bowerman
202-927-8140

FUNCTIONS Certificate of Label Approval (COLA), Certificate of Exemption, Distinctive Liquor Bottles, Informal Label Review, Formula Approval for Domestic Alcoholic Beverages, Pre-Import (Lab Analysis) for Certain Imported Alcoholic Beverages, COLA Retrieval System, and Archiving of Historical Records (COLA).

Labeling Sections - Chief, Karen Freelove

Judy Harrison	A-N-S*	Roberta Alford	E-Q-T*
Sean Harris	B-G-I*	Sherry Zacharias	F-J-M-V*
Shelia Harrod	C-W*	Gwen Pittman	H-P*
Janice Fields	D-L-R*	Jeanne Reed	K-O-U-X-Y-Z*

* Labels which are mailed in directly by the applicant are assigned alphabetically by the company's DBA or trade name (the name under which the company does business) or, if there is no trade name or DBA, then the corporate name.

Formula & Processing Section - Section Chief, Don Figert

	<u>Formulas</u>	<u>Pre-Import Analysis</u>
Wanda Williams	A-X-J-K-M-O-S*	B-E-F-J-K-Q-S-T-Y
Tim Devanney	E-F-G-H-I-L-Q-R-T-X-Y-Z*	I-L-M-N-O-P-W-X
Roberta Sanders	B-D-N-P-U-V-W*	A-C-D-G-H-R-U-V-Z*

* Formulas and pre-import analysis are assigned alphabetically by the corporate name which appears on the basic permit.

Import Export Branch - Chief, Vikki Rennekar
202-927-8110

FUNCTIONS: EU, OIV, Customs Certification*, VII, FTZ/Duty Free*, Certificates of Free Sale (CFS), General Import/Export Questions*, Major Country Assignments - East Europe (EE), Germany (G), Austria (A), Mexico (M), Japan (J), Central/South America (C/SA), Australia (AU), South Africa (SoA), Canada (C), Far East (FE), France (F), UK, Italy (I).

John Colozzi*	VII)(EE)(G)(A)	Gale Guinand	(EU)(OIV)(VII)
Joyce Drake*	(M)(J)(C/SA)(AU)(SoA)	Jennifer Kim*	(C)(FE)(F)(UK)(I)

Market Compliance Branch - Chief, Harry McCabe
202-927-8130

FUNCTIONS: Trade Practices, Advertising, Contaminants, Adulterations, Tampering, Vendor Codes (VC), COLA Searches (CS), Industry Statistics (IS), and Consumer Complaints (CC).

Nancy Cook*	Jim Crandall*	Thurla Fretwell*
Peggy Gore*	Gwen Henson*	Ken Houchens*
Debbie Lewis*	Rosa Moore*	Kay Bouldin (CS)
Lisa Rajah (VC)	Dale Dowdal (IS)	Dolly Green (IS)
Julia Stoney (IS)	Millie Edmonds (IS)	Di-Anne Fletcher (CC)

* These specialists may be contacted for any function which is not followed by a code.

PHONE TIPS

Calling about a label, formula, laboratory analysis, advertising, import/export information? Here are some helpful steps which will assist us in handling your calls more efficiently.

STEP I - Refer to page 9 of this issue of Compliance Matters and determine the Branch or Section you need to call and the person with whom you need to speak.

EXAMPLES:

You are **AKL Inc.**, an importer and producer of domestic distilled spirits, doing business as **KONDO COMPANY**.

- The importation of Austrian Wine into the United States. Who - John Colozzi
Where - Import/Export Branch
- Obtaining a vendor code. Who - Lisa Rajah
Where - Market Compliance Branch
- The status of a label you mailed in. Who - Jeanne Reed
Where - Labeling Section
- The status of a formula you submitted. Who - Wanda Williams
Where - Formula Section
- To ask a question concerning advertisements. Who - Any Specialist (indicated by an *)
Where - Market Compliance Branch

STEP II - If you are unable to determine where or to whom you should direct your call by using the Industry Compliance Division Phone Guide, please be prepared to provide the following information to the person who receives your call:

- Your Name
- Your Telephone Number
- The name which appears on your basic permit, if applicable. The name under which you trade or do business as, if applicable.
- The reason for your call: Label, Formula, Rejected Label, Rejected Formula, Import Information, Advertisement, Statistical Information, consumer Complaints, Label Rejections, etc.
If you submitted a Formula, a Label, or a Letterhead Request, how was it delivered:
- a) Front Desk _____ if so, by whom _____
b) Federal Express _____ Mail In _____ Fax _____
- Date(s) Submitted _____

Applicant Serial #'s / Formula Serial #'s

7. _____

8. A specific question(s) you may have regarding Labeling, Formulas, Lab Analysis, Advertising, Import/Export Information, etc.

INDUSTRY CIRCULAR

DEPARTMENT OF
THE TREASURY
Bureau of Alcohol, Tobacco and Firearms
Washington, DC 20226
Number 93-9 Date: 12/3/93

GOVERNMENT WARNING STATEMENT

Proprietors of Distilled Spirits Plants, Bonded Wine Cellars, Taxpaid Wine Bottling Houses, Breweries, Wholesalers, Importers and Others concerned:

Purpose: The purpose of this industry circular is three-fold: (1) to reiterate to industry members the requirements associated with the Government warning statement; (2) to advise industry members of various problems the Bureau of Alcohol, Tobacco and Firearms (ATF) is encountering with respect to the Government warning statement; and (3) to inform industry members of the Bureau's enforcement policy relative to deficient Government warning statements.

Background: In accordance with the provisions of the Alcoholic Beverage Labeling Act (ABLA) of 1988, P.L. No. 100-690, ATF published in the Federal Register on February 16, 1989, a temporary rule (T.D. ATF-282, 54 FR 7160) requiring that the Government warning statement appear on all containers of alcoholic beverages bottled on or after implementing the ABLA (T.D. ATF-294, 55 FR 5415). The final rule requirements, which became effective and mandatory on November 14, 1990, for alcoholic beverages bottled on or after that date, superseded the requirements of the temporary rule.

Basically, the requirements for the Government warning statement are as follows:

1. TYPE SIZE

Container Size	Minimum Type Size Requirement
Over 3 liters (101 fl. oz.)	3mm
Over 237 ml (8 fl. oz.)	
To 3 liters (101 fl. oz.)	2mm
237 ml or less	1mm

2. CHARACTERS PER INCH

Minimum Type Size Requirement	Maximum Characters Per Inch
3mm	12
2mm	25
1mm	40

"Characters" are letters, numbers, and marks. "Characters" include commas, periods, colons and parentheses. Spaces are excluded when counting the number of characters per inch.

Regardless of the number of characters per inch, if the letters and/or words of the Government warning statement are not legible, the warning statement will not be in compliance with the ABLA.

3. FORMAT

Except for the words GOVERNMENT WARNING, the statement must appear as a continuous paragraph. Items (1) and (2) of the Government warning statement may not appear as separate paragraphs. The words GOVERNMENT WARNING must be capitalized and appear in bold print. The remainder of the statement may not appear in bold print.

The Government warning statement must appear separate and apart from all other information, readily legible and on a contrasting background.

Since its effective date, the Bureau has encountered various problems with the Government warning statement. The majority of these labels had not been reviewed for compliance by ATF because resubmission of labels was not a requirement. Listed below are some of the most frequent problems.

- Etched bottles, acetate labels, and designs (such as lines/patterns) have caused legibility problems.
- Overlapping labels are unacceptable, e.g., UPC covers part of the warning statement.
- Very few shiny label backgrounds have been found to be acceptable because of legibility.
- Punctuation and misspelled words are also an issue.
- In some case, letter/background colors were not contrasting.

Concerns have also been raised regarding the noticeability of the Government warning statement when placed on neckwrap labels. The Bureau has and will continue to act on all instances of insufficient Government warning statements. One aspect of our continual actions is the ongoing marketplace sampling program, which includes evaluation of the Government warning label at the consumer distribution level. Products found with insufficient Government warning statements are detained until a label bearing an appropriate Government warning statement is affixed to each container. These types of cases have been strictly scrutinized by the Bureau, with a view toward total compliance.

Violation of the ABLA and the implementing regulations subjects the manufacturer, bottler, or importer to a civil penalty of up to \$10,000 per day, for each day that alcoholic beverages are manufactured, bottled, or imported for sale or distribution in the United States without the Government warning statement.

ATF would remind industry members that basic permits under the Federal Alcohol Administration Act are conditioned upon compliance with the provisions of the ABLA.

Inquiries: Inquiries concerning this circular should refer to its number and be addressed to the Chief, Product Compliance Branch (Compliance Operations), Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226.

Director

INDUSTRY CIRCULAR

**DEPARTMENT OF
THE TREASURY
Bureau of Alcohol, Tobacco and Firearms
Washington, DC 20226
Number 93-9 Date: 1/11/94**

EXEMPTION FROM MANDATORY AGE STATEMENTS FOR GRAPPA BRANDY (27 C.F.R. 5.40(b))

Distilled Spirits Plant Proprietors, Importers and Others Concerned:

Purpose: The purpose of this circular is to advise industry members of a forthcoming ATF ruling relating to an exemption from mandatory label references to age for grappa brandy (27 C.F.R. 5.40(b)). The pertinent portions of the ruling read substantially as follows:

The Bureau of Alcohol, Tobacco and Firearms (ATF) has been asked whether grappa brandy is exempt from any mandatory label references to age in accordance with the provisions of § 5.40(b). Section 5.40(b) exempts from the statement of age requirement immature brandy and fruit brandy not customarily stored in oak containers.

Background: Under current regulations "grappa" (or "grappa brandy") is a type of brandy produced by distilling the grape skins and pulp that remain after the juice or wine has been pressed out. Section 5.40(b) requires that an appropriate age statement must appear on the brand label of the brandy not stored in oak containers for a period of at least 2 years. Section 5.40(b) also provides for an exemption from any mandatory label references to age for certain types of brandy including, "fruit brandies which are not customarily stored in oak containers." ATF has been asked whether grappa falls within this exemption.

ATF's research on the subject of grappa, including information provided in technical books and an examination of numerous hearing transcripts on proposed regulations dating back to 1940, indicates that this type of brandy is usually unaged and is most often bottled directly after distillation. Although sometimes stored in paraffin lined barrels or other kinds of containers which preclude contact of the spirits with the wood surface, grappa is not customarily stored in oak containers and, as such, should be exempt from any mandatory label references to age. As grappa is not so customarily stored, this ruling encompasses all grappas, including those which do happen to be stored in oak containers for a period of less than 2 years.

Finally, ATF's National Laboratory, has determined that grappa is fruit brandy that is not customarily stored in oak containers. As such, the statement of age requirement set forth in section 5.40(b) is optional. If grappa producers wish to delete the age statement from grappa labels, they will not need to obtain a new certificate of label approval from ATF. This also applies to grappa labels bearing a statement indicating that the product has not been aged.

Held "grappa"(or "grappa brandy") is exempt from any mandatory label references to age in accordance with the provisions of 27 C.F.R. 5.40(b), as it is a fruit brandy not customarily stored in oak containers.

Inquiries: Inquiries concerning this circular should refer to its number and be addressed to: Chief, Industry Compliance Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226.

(Acting) Director

INDUSTRY CIRCULAR

DEPARTMENT OF
THE TREASURY
Bureau of Alcohol, Tobacco and Firearms
Washington, DC 20226
Number 93-10 Date: 1/18/94

RESCISSION OF CERTIFICATES OF ANALYSIS REQUIREMENTS FOR IMPORTED ARGENTINE WINES

Importers, Wholesalers, and Others Concerned:

Purpose: The purpose of this industry circular is to notify importers and wholesalers that the existing requirements for certificates of analysis for methanol for wines coming from Argentina are rescinded.

Background: In February 1993, the Bureau of Alcohol, Tobacco and Firearms (ATF) received initial information from news sources, which was subsequently confirmed by the United States Embassy in Argentina and by the Argentine Embassy in the United States, that some wines produced in Argentina were found to contain methanol. Deaths and injuries resulted in Argentina from the consumption of the wine containing methanol. Later communiques from the Argentine Government indicated that none of the wine laced with methanol was shipped into the United States. Preliminary testing by the ATF National Laboratory did not detect hazardous levels of methanol.

The Food and Drug Administration (FDA) advised ATF that 0.1 percent of methanol by volume in wine was a safe level. Any wine containing methanol in excess of this amount is deemed adulterated pursuant to the Federal Food, Drug and Cosmetic Act, 21 U.S.C. § 341(a)(2)(C) and 348.

Consequently, procedures were put in place requiring importers and wholesalers to test any Argentine wines in inventory immediately for the presence of methanol. Importers were advised to test all future shipments of Argentine wines for methanol and to submit copies of the certificates of analysis to ATF's Market Compliance Branch (CO). These procedures were set forth in industry circular (IC) 93-3 dated March 3, 1993, and were to be in place until such time that ATF rescinded the circular.

Further testing by ATF of numerous samples of wine from Argentina, utilizing certificates of analysis submitted by importers, has disclosed that none of these wines contained more than 0.1 percent of methanol.

Action: Based on test results, certificates of analysis for methanol for wines coming from Argentina will no longer be required. All instructions and directives requiring certificates of analysis for testing of Argentine wines for methanol are rescinded.

This industry circular supersedes the instructions contained in ICC 93-3.

Inquiries: Inquiries concerning this industry circular should refer to its number and be directed to the Market Compliance Branch (CO), Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226.

Director

This was last updated on August 25, 1998