

COMPLIANCE MATTERS

94-2

This issue of **COMPLIANCE MATTERS** introduces a new section entitled "Helpful Hints." This feature will provide tips to help you perfect your COLA application and to facilitate the processing of your submissions.

COMPLIANCE MATTERS also features an updated COLA work assignment list, the use of independent ATF certified laboratories to provide certificates of analysis for total sulfur dioxide in wines and the termination of the sample requirements for pre-import approvals for liqueurs.

This issue also contains the following Industry Circular:

Country of Origin Certification Requirements For
Imported Wines and Distilled Spirits 94-2 Date 8/19/94

DISTILLED SPIRITS

COLOR DECLARATION OF DISTILLED SPIRITS SPECIALTIES (DSS) WHICH CONTAIN A LIQUEUR AND ANOTHER CLASS & TYPE OF DISTILLED SPIRITS

In addition to those consumer recognized cocktails listed in COMPLIANCE MATTERS 94-1 which do not require the listing of colors in the statement of composition, ATF is establishing an additional policy with regard to the disclosure of color additives in any DSS product which includes a liqueur as a part of the truthful and adequate statement of composition. This policy will allow the color disclosure to appear anywhere on the front label provided the color additive is contained in the liqueur component of the DSS.

Example: A DSS product is composed of two equal parts, a brandy and a cherry liqueur. The cherry liqueur contains an artificial color (FD&C Red #40). Prior to the implementation of this policy, the color disclosure was required to appear as a part of the truthful and adequate statement of composition, e.g., "Made With Brandy, Cherry Liqueur And Contains Certified Color." The DSS producer may not, if he wishes, exclude the color disclosure from the truthful and adequate statement of composition provided the color disclosure appears somewhere on the front label. In the case of our example, the truthful and adequate statement of composition would be "Made With Brandy And Cherry Liqueur" and the phrase "Contains Certified Color" would appear someplace on the front label.

MALT BEVERAGES

FLAVORED MALT BEVERAGES

As a result of the great variety of malt beverage specialty products which are being introduced into the marketplace, Product Compliance Branch has found it necessary to formulate a policy dealing with the labeling of these products. Depending upon how the product is formulated it may be labeled with a fanciful name. **ALL** malt beverage specialty products must bear a truthful and adequate statement of composition which must appear in direct conjunction with the fanciful name.

Any use of the terms "Malt beverage," "beer," "lager beer," "ale," "porter," or "stout," as a part of the fanciful name, must be preceded by the word "flavored" unless the fermentation process included the use of fruits, juices, juice concentrates or other acceptable fermentable agricultural sources.

EXAMPLES USING CHERRY TYPE FLAVORINGS

Cherry Ale - This fanciful name may be used if the only addition to the product is cherry juice or cherry concentrate or cherries added directly to the product prior to or during fermentation. A suitable statement of composition would be "Ale Fermented With Cherry Juice."

Cherry Flavored Ale - This fanciful name may be used if a cherry flavor(s) or other flavors have been added before and/or after fermentation. **NOTE:** The addition, prior to fermentation, of cherry flavor(s) which contain sugar, cherries, cherry juice, or cherry juice concentrate, will still result in a product which, using our example, must be labeled as a **Cherry Flavored Ale**. Examples of acceptable statements of composition would be "Ale Flavored With Cherry Juice" or "Ale With Natural Flavor(s) Added."

CIDER BEER

ATF has determined that the use of the word "cider" (a specific class and type of wine listed in 27 CFR Part 4), when used in conjunction with malt beverage, beer, ale, porter, stout, or lager, etc. (specific class and types found under 27 CFR Part 7), is

misleading and confusing to the consumer. As a result, the fanciful name required for a flavored malt beverage product may not include the term "cider" in conjunction with any specific class and type; for example "Cider Beer," "Cider Ale," etc. are not acceptable as fanciful names. In addition, the word "cider" may not be used as a part of the statement of composition required with malt beverage specialty products. Furthermore, no alcoholic beverage may be labeled with conflicting classes and types. Some examples of conflicting classes and types would be "Whiskey Beer," "Red Wine Liqueur," "Marsala Ale," etc.

WINES

SULFUR DIOXIDE ANALYSIS FOR WINE LABEL APPROVAL

Permittees are required to submit a total sulfur dioxide analysis for the approval of wines whose labels do not bear a sulfite declaration. The Bureau will now accept an official laboratory report of analysis from either an ATF Laboratory or a laboratory certified by ATF for the analysis of wine. The official laboratory report for total sulfur dioxide analysis must accompany the certificate of label approval application.

A current list of ATF certified laboratories can be found on page 11 of this issue. You can find additional information on ATF laboratory certification in Industry Circulars 86-3 or 92-3 or please contact Dr. Sumer Dugar of the National Laboratory Center at (301) 413-5227.

COOKING WINES

Cooking wine is classed as nonbeverage wine and consists of standard wine which has been rendered unfit for beverage use (nonbeverage) by the addition of salt, spices or other approved food additives. Although the labeling of products of this type falls under the jurisdiction of the United States Food and Drug Administration (USFDA) there are certain Internal Revenue code (IRC) requirements stated in 27 CFR Part 24.259 which must be met. Upon removal from bonded wine premises free of tax, containers of nonbeverage wine must be marked to clearly indicate such products are not for sale or consumption as beverage wine, e.g., salted wine, nonbeverage cooking wine, etc.

Standard wine, intended for use in cooking, may not be referred to as Cooking Wine since it does not fulfill the requirements for a cooking wine as defined above. It is acceptable to use additional language on the front label, back label, or both, which states that the wine, vermouth, etc. is, for example, suitable for cooking, to be used in cooking, etc.

LABELING

LOT IDENTIFICATION NUMBERS

ON JULY 26, 1994, THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS HELD A MEETING WITH REPRESENTATIVES FROM THE ALCOHOLIC BEVERAGE INDUSTRY AT ITS HEADQUARTERS OFFICE IN WASHINGTON, DC. DURING THIS MEETING THE BUREAU ADVISED INDUSTRY MEMBERS THAT ATF WAS CONSIDERING A REGULATORY REQUIREMENT WHEREBY ALL ALCOHOLIC BEVERAGE LABELS OR CONTAINERS WOULD BE REQUIRED TO BE MARKED WITH A LOT IDENTIFICATION NUMBER OR PRODUCT IDENTIFICATION CODE. THE BUREAU ADVISED INDUSTRY MEMBERS THAT PRODUCT IDENTIFICATION CODES ARE A USEFUL TOOL FOR IDENTIFYING AND RECALLING HAZARDOUS PRODUCTS FROM THE MARKET.

SEVERAL INDUSTRY MEMBERS EXPRESSED OPINIONS AND OFFERED INFORMATION TO THE BUREAU REGARDING THE PRODUCE IDENTIFICATION CODES WHICH PRODUCERS PLACE ON THEIR PRODUCTS. INDUSTRY MEMBERS POINTED OUT THAT MOST LARGE PRODUCERS ALREADY USE SOME TYPE OF CODING ON THEIR LABELS OR CONTAINERS, SO THE PROPOSAL TO MANDATE THESE CODES WOULD MAINLY AFFECT SMALL PRODUCERS WHOSE PRODUCTS REPRESENT ONLY A SMALL PERCENTAGE OF THE ALCOHOLIC BEVERAGES SOLD IN THE MARKETPLACE. A REGULATORY REQUIREMENT TO PLACE LOT IDENTIFICATION MARKS ON LABELS OR CONTAINERS WOULD BE VERY COSTLY TO THESE SMALL PRODUCERS AND WOULD BE OF ONLY LIMITED VALUE IN PRODUCT RECALLS.

AFTER CONSIDERING THE COMMENTS AND INFORMATION OFFERED BY THESE INDUSTRY MEMBERS, THE BUREAU CONCLUDED THAT IT WAS NOT PRACTICAL, AT THIS TIME, TO INITIATE RULEMAKING WHICH WOULD MANDATE PRODUCT IDENTIFICATION CODES ON ALCOHOLIC BEVERAGES. INSTEAD, THE BUREAU DECIDED THAT IT WAS MORE IMPORTANT TO PROTECT AND ENSURE THE PRESERVATION OF THE PRODUCT IDENTIFICATION CODES WHICH WERE ALREADY BEING PLACED ON PRODUCTS BY THEIR PRODUCERS.

ACCORDINGLY, ATF IS NOW CONSIDERING A REGULATORY PROPOSAL WHICH WOULD MAKE IT UNLAWFUL FOR ANY PERSON TO RELABEL AN ALCOHOLIC BEVERAGE IF THE EFFECT OF SUCH ACTION WAS TO REMOVE THE PRODUCT IDENTIFICATION CODE PLACED ON THE PRODUCT BY THE PRODUCER. THIS PROPOSAL WOULD AFFECT WINE, DISTILLED SPIRITS, OR MALT BEVERAGES HELD FOR SALE IN INTERSTATE OR FOREIGN COMMERCE, INCLUDING PRODUCTS HELD IN A FOREIGN TRADE ZONE OR CUSTOMS BONDED WAREHOUSE.

THE PROPOSAL WOULD NOT REQUIRE THAT PRODUCERS OF ALCOHOLIC BEVERAGES PLACE PRODUCT IDENTIFICATION CODES ON THEIR LABELS OR CONTAINERS. THE PROPOSAL WOULD, HOWEVER, ENSURE THAT THE PRODUCT IDENTIFICATION INFORMATION WHICH PRODUCERS VOLUNTARILY CHOOSE TO PLACE ON LABELS AND CONTAINERS IS NOT ALTERED, MUTILATED, DESTROYED, OBLITERATED OR REMOVED AFTER BEING PLACED ON THE PACKAGE BY THE PRODUCER.

USE OF TERMS ASSOCIATED WITH DRUGS OR THE DRUG TRADE

ATF, AS A LAW ENFORCEMENT AGENCY, CANNOT CONDONE ALCOHOLIC BEVERAGE LABELS THAT CONTAIN ANY NAMES OF DRUGS, DRUG TERMS OR SLANG ASSOCIATED WITH DRUGS OR ANY DEPICTION OF DRUG PARAPHERNALIA. WE DO NOT BELIEVE THAT RESPONSIBLE INDUSTRY MEMBERS SHOULD WANT OR WOULD WANT TO PORTRAY THEIR PRODUCTS IN ANY SOCIALLY UNACCEPTABLE MANNER.

o CLASS & TYPE CODE FOR MEZCAL

WE HAVE NEW CLASS AND TYPE CODES FOR MEZCAL (MESCAL) 0982, U.S. BOTTLED MEZCAL AND 0980, FOREIGN BOTTLED MEZCAL. PREVIOUSLY, MEZCALS WERE ASSIGNED THE SAME CLASS AND TYPE CODE AS TEQUILA. THE NEW CODES WILL DIFFERENTIATE THE TWO PRODUCTS IN THE COLA SYSTEM. THIS APPLIES TO THE COLA SYSTEM ONLY; MEZCAL HAS NOT YET BEEN DEFINED IN THE REGULATIONS AS A DISTINCTIVE PRODUCT.

THE TERMS "DGN" AND "NOM" ON TEQUILA LABELS

THE TERM "DGN" MAY NOT APPEAR ON ANY TEQUILA LABEL. THE MEXICAN GOVERNMENT HAS INDICATED THAT "DGN" HAS NO MEANING AND IS NOT USED IN THE AUTHENTICATION OF TEQUILA. THE MEXICAN GOVERNMENT DOES, HOWEVER, ALLOW THE USE OF THE TERM "NOM."

USE OF FLAGS

THE DEPICTION OF FLAGS IS PROHIBITED ON ALCOHOLIC BEVERAGE LABELS WHEN THEIR USE IMPLIES ENDORSEMENT BY THE GOVERNMENT OR ENTITY ASSOCIATED WITH THE FLAG. THIS IS IN ACCORDANCE WITH 27 CFR 4.39(g), 5.42(b)(7) AND 9.29(d) FOR WINES, DISTILLED SPIRITS AND MALT BEVERAGES RESPECTIVELY.

TERMINATION DATES

A TERMINATION DATE ON A COLA IS AN EXPIRATION DATE. AFTER THE DATE SHOWN, THE PRODUCT MAY NOT BE BOTTLED OR IMPORTED PURSUANT TO SUCH COLA.

LETTERS OF AUTHORIZATION

Letters of authorization are required for any label that contains:

1. The name and/or logo of commercial or private organization.
2. The name and/or logo of school/university.
3. A statement that percentage of sales will be donated to a specific charity(ies).

The letters of authorization must be dated and written on the letterhead of the organization or school and must be signed by an official in the organization or school. The letter must verify that the use of the name and/or logo is acceptable, or, as appropriate, that the stated monies will be donated.

A copy of the letter of authorization must accompany every COLA application on which the name, logo, or statement appears.

CONTRACT BOTTLING - DISTILLED SPIRITS

Situation:

Company A contracts with Company B to bottle Company A's distilled spirits product.

Company B files the COLA.

Company B's label bears Company A's name or tradename and address.

Reminder:

1. Prior to submission of COLA application, Company B must obtain Regional approval to use Company A's name or tradename.
2. Note in Item 12 of Cola application "CONTRACT BOTTLING."

LABELING REGULATIONS FOR EXPORTS TO THE EUROPEAN UNION

Recently, the Alcohol Import/Export Branch has received questions regarding some labeling regulations concerning alcoholic beverages exported to the European Union (EU). Of particular interest was a question related to importer identification. Inquirers were told by some EU importers that the name and address of an importer must be one within the country into which the goods are imported. Thus, a winery in California, for instance, would need not only an importer for each country into which its wines were sent, but labels specifically printed for that place, as well.

The above information is incorrect. Exporters of alcoholic beverages to the EU need the name of an EU importer and distributor printed on the label. Once an EU name and address for any one country has been established, however, that name and address is valid for shipments to the remaining EU countries. Any further questions regarding this matter may be referred to John Colozzi at (202) 927-8127.

HELPFUL HINTS CONTACTS

PROVIDING ATF WITH YOUR TELEPHONE AND FAX NUMBERS IN ITEM #3 OF YOUR LABEL APPLICATION ASSISTS US IN CONTACTING YOU IF WE HAVE ANY QUESTIONS REGARDING YOUR APPLICATION.

WHEN A NEW COLA IS NOT REQUIRED

An increase or decrease in the amount of sugar present in an imported liqueur does not require a new laboratory analysis or the submission of a new COLA provided that the total amount of sugar present in the product is not reduced to less than 2.50g/100g of product.

A change in the alcoholic content of a product does not require the submission of a new COLA if the change DOES NOT alter the class and type of the product as stated on the original COLA. The following is a list of all of those changes which alter the class and type and which require the submission of a new COLA.

1. The reduction, in labeled alcohol content, of any whisky, Scotch whisky, Irish whisky, Canadian whisky, brandy, rum, gin, tequila or vodka to less than 40% alcohol by volume.
2. Any change in the alcohol content of a beverage wine product whose alcohol content is greater than 7% by volume if the new alcohol content would result in a change from one tax category to another.

EXAMPLES

- A. Not less than 7% but not more than 14% alcohol
- B. More than 14% but not over 21% alcohol
- C. More than 21% but not over 24% alcohol

3. Any change in the alcohol content of a beer or malt beverage product which would reduce the alcohol content to less than 0.5% of alcohol.
4. A reduction in alcohol content to less than 30% alcohol by volume (60 proof) of any product labeled as rye liqueur, rum liqueur, gin liqueur, brandy liqueur, flavored rum, flavored vodka, flavored whisky, flavored gin, or flavored brandy.
5. A reduction in alcohol content to less than 24% (48 proof) by volume of any product labeled as "rock and rye," "rock and bourbon," "rock and brandy," or "rock and rum."

WHEN FILLING OUT YOUR COLA

BE SURE TO ...

1. COMPLETE ALL APPLICABLE ITEMS ON THE APPLICATION (ITEMS 1-14)
2. SIGN THE LABEL APPLICATION IN ITEM 14 - ALL COPIES.
3. SUBMIT LABEL APPLICATIONS IN DUPLICATE.
4. SECURELY AFFIX ALL LABELS TO THE APPLICATION IN THE BLOCK PROVIDED. PLEASE NOTE, IF LABELS ARE TOO LARGE TO FIT IN THE BLOCK PROVIDED, THEY MAY BE REDUCED. IF REDUCED, INDICATE IN ITEM 12 OF THE APPLICATION THE PERCENTAGE OF THE REDUCTION

- AND SUBMIT ACTUAL (UNREDUCED) LABEL(S) WITH THE APPLICATION.
5. AFFIX ONLY LEGIBLE COPIES OF LABELS TO THE APPLICATION. GENERALLY, WE ARE UNABLE TO READ FAX COPIES OF LABELS.
 6. IF THE APPLICATION IS PHOTOCOPIED, USE TAPE RATHER THAN STAPLES TO ATTACH FRONT AND BACK OF FORM.
 7. SUBMIT A COPY OF PREVIOUS APPROVAL(S) WITH YOUR NEW APPLICATION WHEN ONLY MINOR CHANGES HAVE BEEN MADE TO THE LABEL.
 8. USE A COMPLETE APPLICATION, WHICH MUST INCLUDE THE FORM NUMBER IN BOTTOM LEFT CORNER.
 9. DO NOT MAKE ANY HANDWRITTEN, PEN AND INK CHANGES ON LABELS.
 10. INCLUDE A COPY OF YOUR APPROVED FORMULA, STATEMENT OF PROCESS OR LAB ANALYSIS, IF APPLICABLE.
 11. PROVIDE ENGLISH TRANSLATION OF ANY FOREIGN TEXT ON LABEL IN ITEM 12 OF THE APPLICATION OR INDICATE IN ITEM 12 THAT THE TRANSLATION IS ON AN ATTACHED PIECE OF PAPER.

PRE-IMPORT ANALYSIS

PILOT PROGRAM FOR IMPORTED LIQUEURS

Effective August 1, 1994, alcoholic beverage importers are no longer required to submit samples of liqueurs for pre-import analysis to ATF's National Laboratory Center at Rockville, Maryland. Importers are still required to submit a method of manufacture and a list of every ingredient used in the production of the product. This documentation must be on the foreign producer's letterhead and signed and dated by an official of the manufacturing company. If the documentation is written in a language other than English, it should be accompanied by a certified English translation. The use of the Pre-Import Supplemental Forman, on page 12, will facilitate the processing of these applications.

Product Compliance may, under certain circumstances, require the submission of a sample in conjunction with the pre-import approval.

All correspondence concerning the pre-import approval of liqueurs should be sent to:

Bureau of Alcohol, Tobacco and Firearms
Product Compliance Branch
Formula & Processing Section
650 Massachusetts Avenue, NW, Room 5200
Washington, DC 20226

MISCELLANEOUS

REPLACEMENT FEES

YOU SHOULD MAINTAIN COPIES OF ALL YOUR ACTIVE COLA'S. IF WE PROVIDE A REPLACEMENT COPY, WE WILL CHARGE A FEE. THE COST OF A SEARCH IS \$100.00 AN HOUR COMPUTER TIME, \$.25 PER COMPUTER PRINTOUT PAGE AND \$.15 FOR EACH PHOTOCOPY/MICROFILM COPY. IF ONE OF OUR EMPLOYEES RETRIEVES THE COLA'S FOR YOU AND THEN MAKES THE COPIES YOU REQUESTED, IN ADDITION TO THE CHARGES LISTED PREVIOUSLY, THERE WILL ALSO BE A TIME CHARGE PER HOUR BASED ON THAT EMPLOYEE'S SALARY PAY.

NOTICE OF CORRECTION

Page 8 of COMPLIANCE MATTERS 94-1 listed an incorrect telephone number for ATF's Western Regional Office. The correct telephone number is (415) 744-7013.

FLAVOR PILOT PROGRAM

A working group, consisting of representatives from the wine, beer, and distilled spirits industries, ATF's National Laboratory Center, and Industry Compliance Division has set a target date of September 1, 1994, for the implementation of a pilot program involving the approval of flavors used in domestic or imported products.

The pilot program will allow domestic flavor producers to provide flavor certification directly to the manufacturer of the foreign or domestic product. This certification will accompany all domestic formula submissions and pre-import submissions and is expected to result in greatly reduced turn around times.

CHANGE IN WORK ASSIGNMENTS

TO INCREASE OUR EFFICIENCY AND CONSISTENCY, WE WILL DISTRIBUTE ALL LABEL APPLICATIONS, INFORMALS, GENERAL LABEL CORRESPONDENCE, FORMULAS AND PRE-IMPORT ANALYSIS BY CORPORATE NAME TO INDIVIDUAL SPECIALISTS. THIS CHANGE APPLIES TO ALL SUBMISSIONS, MAIL-INS, FRONT DESK AND OVERNIGHT EXPRESS MAIL AND IS EFFECTIVE JULY 18, 1994.

THE ALPHABET WILL BE BROKEN DOWN AS FOLLOWS:

Labeling Section - Section Chief, Karen Freelove

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

Formula & Processing Section - Section Chief, Don Figert

	<u>Formulas</u>	<u>Pre-Import Analysis</u>
Wanda Williams	A-C-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

HINTS ON ASSIGNING: IF THE FIRST WORD IN THE CORPORATE NAME IS AN ARTICLE (ES. THE, A, AN) IT WILL BE IGNORED FOR DISTRIBUTION PURPOSES. FOR EXAMPLE, THE CORPORATE NAME IS "THE WINE COMPANY" - THIS WORK WILL BE GIVEN TO THE LABEL SPECIALIST ASSIGNED THE LETTER "W". IF THE CORPORATE NAME IS THE NAME OF AN INDIVIDUAL, EX. "LARRY W. ZENNITH COMPANY, ASSIGNMENT WILL BE BASED ON THE FIRST LETTER OF THE LAST NAME ("Z," IN THIS EXAMPLE).

DURING THE TRANSITION PERIOD, UNTIL AUGUST 31, 1994, RESUBMISSIONS OF REJECTED LABELS WILL STILL BE ASSIGNED TO THE INITIATING LABEL SPECIALIST.

TELEPHONE INQUIRIES AND REQUESTS FOR LABEL STATUS SHOULD BE DIRECTED TO THE APPROPRIATE SPECIALIST.

INTERNET REMINDER

Internet users can access ATF through the NSFNET network which is managed by the National Science Foundation. The domain address ATF.USTREAS.GOV can be used to access this system.

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

**LIST OF LABORATORIES CERTIFIED BY THE
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS AS OF JULY 21, 1994
FOR THE ANALYSIS OF WINE**

1. Beaulieu Vineyard 1960 St. Helena Highway Rutherford, California 94573	12. Mumm Napa Valley 8445 Silverado Trail Napa, California 94558
2. Bronco Wine Company P.O. Box 789 Ceres, California 95307	13. Northwest Wine Consultants 1011 Pleasant Avenue Grandview, Washington 98930
3. Brown-Forman Beverages Worldwide 850 Dixie Highway (40210) P.O. Box 1080 Louisville, Kentucky 40201	14. Scott Laboratories, Inc. P.O. Box 4559 Petaluma, California 94955-4559
4. Canandaigua Wine Co. Inc. 116 Buffalo St. Canandaigua, New York 14424	15. Sebastiani Vineyards P.O. Box 1290 Woodbridge, California 95258
5. ETS Laboratories	16. Silverado Vineyards

1204 Church Street St. Helena, California 94574	6121 Silverado Trail Napa, California 94558
6. E. & J. Gallo Winery P.O. Box 1130 Modesto, California 95353	17. Stimson Lane Ltd. Highway 221, 1 mile North of Patterson P.O. Box 231 Patterson, Washington 99345-0231
7. Glen Ellen Winery-Carneros 21468 Eighth Street East Sonoma, California 95476	18. Sutter Home Winery, Inc. P.O. Box 248 St. Helena, California 94574
8. Guild Wineries & Distilleries, Inc. P.O. Box 55 Woodbridge, California 95258	19. Vinquiry P.O. Box 695 16003 Healdsburg Ave. Healdsburg, CA 95448
9. Heublein Wines 12667 Road 24 P.O. Box 99 Madera, California 93639	20. Vintners International Company, Inc. A Division of Canadaigua Wine Company, Inc. 800 South Alta Street P.O. Box 780 Gonzales, California 93926
10. Mogen David Wine Corporation 85 Bourne St. Westfield, New York 14787	21. The Wine Group, Inc. 17000 East Highway 120 P.O. Box 897 Ripon, California 95366
11. Robert Mondavi Winery P.O. Box 106 Oakville, California 94562	22. Wine World Estates 2000 Main Street Box 111 St. Helena, California 94574

Pre-Import Supplemental Information

1. Type of Product: _____ 2. Alcohol Content: _____ % by volume.

3. Country of Origin: _____ 4. Sugar: _____ g/100g

5. Other Sources of Alcohol

5A. Type of Product:	5B. Agricultural Source:	5C. Alc. Content at Distillation:	5D. Alc. Content When Used:	5E. % by Volume in Final Product:
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

6. Added Flavors Name of Flavor:	Name and Location of Producer:	Product No. and/or ATF Formula No.:	Alc. Content % by Volume:	% by Volume in Final Product:
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

7. Direct Additions: _____ PPM Sodium Benzoate: _____ PPM BHA: _____
 Ethyl Vanillin: _____ PPM Potassium Sorbate: _____ PPM _____
 Synthetic Maltol: _____ PPM Gum Arabic/Acacia: _____ PPM _____
 Ethyl Maltol: _____ PPM Ester Gum: _____ PPM _____
 Propylene Glycol: _____ PPM BVO: _____ PPM _____
 If the product is a vodka, provide the following: Citric Acid: _____ PPM Sugar: _____ PPM

8. Herbs and Spices Herb or Spice:	Genus and Species:	Herb or Spice:	Genus and Species:
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

9. Color Additions:
 9A. Caramel Color? _____ yes _____ no

9B. Name of Color	FD&C No. (If applicable)	EU (EEC) No. (If applicable)
_____	_____	_____
_____	_____	_____
_____	_____	_____

10. Aging

Is this Product aged: yes no If yes, how long? _____

Type of Container: oak other wood stainless steel Other: (specify) _____

Does the Product contain oak extract? yes no

If yes, provide genus and species of oak: _____

Is the extract aqueous, alcoholic, hydro-alcoholic, or other (specify): _____

If the oak is heated prior to or during extraction, specify the maximum temperature: _____ °C.

11. Attach a list of Ingredients and Method of Manufacture

Date Completed: _____

- ITEM 1 TYPE OF PRODUCT: Indicate if the product is to be labeled as a cordial, liqueur, distilled spirits specialty, brandy, flavored wine, ice beer, flavored malt beverage, etc.
NOTE: Refer to COMPLIANCE MATTERS 93-1 for those products which require pre-import approval prior to label submission. You may request a copy of COMPLIANCE MATTERS 93-1 BY CONTACTING ATF's Distribution Center at (703) 455-7801.
- ITEM 2 ALCOHOL CONTENT: State the alcoholic content of the finished alcoholic beverage expressed as percent by volume (may be expressed as a range).
- ITEM 3 COUNTRY OF ORIGIN: Identify the country in which the finished alcoholic beverage is produced.
- ITEM 4 SUGAR: Express, in grams per 100 grams, the amount of sugar (sucrose, dextrose, levulose, etc.) contained in the finished alcoholic beverage. The amount may be expressed as a range or as a minimum.
- ITEM 5 SOURCE OF ALCOHOL: Identify every type of alcoholic product (wine, brandy, neutral spirits, etc.) used as a component in the finished alcoholic beverage, the agricultural source, the alcohol content and the percent by volume at which the alcohol is used in the finished product.
- ITEM 5a Identify every type of alcohol, excluding alcohol from flavors, (wine, brandy, neutral spirits, etc.) used to produce the product.
- ITEM 5b AGRICULTURAL SOURCE: State the botanical source from which the alcohol has been obtained, e.g. cane sugar, corn, beet sugar, grape marc, rice, grape lees, peaches, pears, etc.
- ITEM 5c ALCOHOL CONTENT AT DISTILLATION: Provide the alcohol content, expressed as percent by volume, at which the alcohol was originally distilled.
- ITEM 5d ALCOHOL CONTENT WHEN USED: Provide the alcohol content of the ingredient at the time it is added to the finished product, e.g. 70% should be entered in the case of neutral spirits which were distilled at 98% by volume, which had been diluted to 70% alcohol by volume and then added to the product.
- ITEM 5e PERCENT BY VOLUME IN FINAL PRODUCT: If all of the alcohol contained in the product is from one source, e.g. grain neutral spirits, enter 100%. List the percent of alcohol by volume of any other alcoholic products, excluding flavors, which you have listed in Item 5a.
- ITEM 6 ADDED FLAVORS: Fill out the appropriate items if the flavor(s) are purchased from another source or are self produced. The producer of any flavor which does not have an approved ATF formula number must provide a complete quantitative formula, which lists all of the ingredients contained in the flavor to ATF, Product Compliance Branch, Room 5200, 650 Massachusetts Avenue, NW, Washington, DC 20226. The formula must list the percentage (if any) of flavoring materials which are considered artificial according to United States Food and Drug Administration (USFDA) regulations (21 CFR). Quantitative amounts must be provided for vanillin, ethyl vanillin, synthetic maltol, ethyl maltol and for other food additives, such as propylene glycol, sodium benzoate, ester gum, brominated vegetable oil (BVO), gum arabic/acacia, etc. All of the ingredients contained in the flavor(s) must be used for their intended purpose, must be approved for use in foods by the USFDA and must not exceed any limitation or restriction to which they may be subject. This information may be provided directly to ATF (Fax No. 202-927-8605), by the flavor producer or it may be provided through the importer of the alcoholic beverage. In either case, the name of the beverage producer, the importer and the name of the product must be included with the information provided.
- ITEM 7 DIRECT ADDITIONS: Provide the amount, expressed in ppm, of any of the specific ingredients listed which are added directly to the product. Use the blank spaces to list any other ingredients which are added to the product. In the case of vodka, provide the amount, expressed as ppm, of any citric acid and/or sugar which may have been added to the product.
- HERBS AND SPICES: Identify any spices and/or herbs used in the product by their common name and by the genus and species, e.g. Clove, Eugenia Caryophyllata. In addition, identify the part(s) of the plant used, e.g. buds, leaves, or stems.
All spices and herbs used in the product must be approved by the USFDA. Although most spices and herbs are approved for use without limitation or restriction, the following is a noninclusive list of many herbs and spices which are subject to specific limitations or restrictions in alcoholic beverages:
- ITEM 8 A) Artemisia (wormwood), Cedar White Aborvitae, Oak Moss, Tansy and Yarrow must be Thujone Free according to Association of Official Analytical Chemists Method (AOAC Method 9.091).
B) Extracts of Camphor Tree, Sassafras Root and Leaf Extracts must be Safrole Free.
C) Extracts of Cherry Pit and extracts of the leaves of Cherry Laurel, Peach and Elder may not contain more than 25ppm of Prussic Acid.
D) Bitter Almond Oil produced from the pits of Bitter Almond, Peach, Apricot or Cherry must be free from Prussic Acid (FFPA) as determined by the AOAC Method 973.19.
E) Cinchona Bark may not contribute more than 83ppm of total alkaloids (Equivalent to 58ppm of quinine) to the finished alcoholic beverage.
F) Oil of Rue may not be present at more than 4ppm and the actual herb at not more than 2ppm.
G) Licorice Root and Licorice Root Extract may not contribute more than 1000ppm of Glycyrrhizin to the finished product.
- ITEM 9 COLOR ADDITION:
- ITEM 9A Self-Explanatory.
- ITEM 9b Color additives such as Red #40, Blue #1 and #2, Green #3, and Yellow #5 and #6 must be Food, Drug and Cosmetic (FD&C) certified. Other coloring materials such as Beet Juice and other fruit juices are exempt from certification by FDA. If an ingredient such as Saffron or Paprika is used, please specify if it has been added for flavoring or coloring purposes. Please indicate if natural juices such as Elderberry are used for coloring or flavoring purposes.
- ITEM 10 AGING: Self explanatory.

LIST OF INGREDIENTS AND METHOD OF MANUFACTURE: The importer is required to submit a method of manufacture and a complete list of every ingredient used in the production of the alcoholic beverage

ITEM 11

product. The documentation must be on the foreign producer's letterhead and signed and dated by an official of the manufacturing company. If the documentation is written in a language other than English, it must be accompanied by a certified English translation. A dated Pre-Import Supplemental Information Sheet may be used in lieu of the complete list of ingredients.

INDUSTRY CIRCULAR

DEPARTMENT OF
THE TREASURY
Bureau of Alcohol, Tobacco and Firearms
Washington, DC 20226
Number: 94-2 Date: 8/19/94

COUNTRY OF ORIGIN CERTIFICATION REQUIREMENTS FOR IMPORTED WINES AND DISTILLED SPIRITS

Proprietors of Distilled Spirits Plants, Bonded Wineries, Importers and Other Concerned Parties:

PURPOSE: The purpose of this circular is twofold: (1) to provide U.S. importers with an updated and comprehensive listing of country certification requirements and (2) to remind importers of the Bureau's position relative to the acceptance of only original certificates.

BACKGROUND: On January 6, 1989, the Bureau of Alcohol, Tobacco and Firearms (ATF) issued Industry Circular No. 89-1 to advise U.S. importers of the Bureau's updated Country of Origin certification requirements for imported wines and distilled spirits. Since the issuance of this circular, the government of France has changed its requirements, and the governments of the Russian Federation and other former republics of the Soviet Union have canceled requirements for certificates of origin. These amendments have been incorporated into the attached revised listing.

ATF has also received several inquiries from importers regarding the use of photocopied certificates. It has been ATF's long-standing policy to accept only original certificates for wines and distilled spirits bottled in the country of manufacture and exported to the United States. Industry Circular 87-5 had allowed, for a brief period of time, the acceptance of photocopies in situations in which the product was imported from a country other than the country of origin. However, ATF announced in Industry Circular 89-1 that this policy was being rescinded, and that ATF would only accept the original certificates issued by the country of origin. ATF would like to remind importers that if a certificate of origin is required, a photocopy will not be acceptable.

REQUIREMENTS: Certificate of origin requirements for imported wines and distilled spirits appear in 27 CFR 4.45, 5.52 and 5.56.

It should be noted that the final decision, whether or not to permit entry of imported alcoholic beverages which require certification by the country of manufacture, rests with the Customs Officials at the port of entry. However, it is the Bureau's position that the intent of the regulations can be met only if a specific certificate can be tied to a specific lot(s) of product.

ACTION: ATF has officially notified the United States Customs Service of the change in certification requirements from the Governments of France, the Russian Federation, and the former republics of the Soviet Union. ATF has also informed Customs that all imported wines and distilled spirits covered by a compulsory certificate of origin are not to be released from Customs Custody unless the invoice is accompanied by the original and appropriate certificate.

INQUIRIES: Inquiries concerning this circular should refer to its number and be addressed to Chief, Alcohol Import-Export Branch, Bureau of Alcohol, Tobacco and Firearms.

Director

COUNTRY OF ORIGIN CERTIFICATION REQUIREMENTS FOR IMPORTED WINES AND DISTILLED SPIRITS

BULGARIA

The Bulgarian Chamber of Commerce and Industry is authorized to issue country of origin certificates for all Bulgarian wines and/or distilled spirits exported to the United States. This document is entitled "Certificate of Origin" and is stamped with the official seal of the Bulgarian Chamber of Commerce.

CANADA

Canadian distillers are authorized to issue age and origin certificates for Canadian Whiskey, Canadian Rye Whiskey, rum, brandy and Highland Whiskey exports to the United States. These certificates are signed by Canadian Excise Officers who are in charge of the

various licensed distilleries. This document is entitled "Certificate of Age and Origin."

CHILE

The Chilean Ministry of Agriculture issues country of origin certificates for all Chilean wines, champagnes and brandy (Pisco) exports to the United States. This document is entitled "Certificate of Origin," Form A and is issued by "Servicio Agrícola y Ganadero" an agency of the Ministry of Agriculture. This certificate bears the official seal of this ministry.

FRANCE

The government of France has authorized the use of two types of forms to certify the origin of French wines. Wines could be accompanied by either of these forms: 1) Documents d'Accompagnement Commercial (DAC); and 2) Document of Accompaniment (DCA 1 & DCA 2). Whichever form is used must be stamped by French Customs.

FEDERAL REPUBLIC OF GERMANY

The Federal Republic of Germany has authorized its Chambers of Industry and Commerce to issue country of origin certificates for all German wines and distilled spirits.* The only exceptions are "May" wines and "Sekt" (Sparkling) wines which are not considered wines under German Law and therefore not covered under a compulsory certification procedure. The certificate of origin for German wines is entitled "Certificate of Origin for German Wine to the USA."

REPUBLIC OF IRELAND

The Republic of Ireland issues a certificate of age and origin for all Irish Whiskey exports to the United States. This certificate is entitled "Certificate of Origin, Age and Conformity with the Immature Spirits Acts for Spirits Exported To," (Form C and E 96 (a)) and is prepared by a Customs and Excise Officer.

JAMAICA

An "Excise Certificate" is issued for exports of Jamaican rum to the U.S. when the bottle label contains a statement of age. This certificate is issued by the Jamaican Collector General and attests to the age and origin of the rum contained in the bottle.

MEXICO

The "Certificado de Exportacion" is the official certificate issued by the Mexican Government which attests to the authenticity of the Tequila exported to the United States. In compliance with 27 CFR 5.52 (c), this certificate must accompany all tequila exports to the United States. These certificates are issued by the "Direccion General de Normas" of the Secretaria de Comercio y Fomento Industrial. The following Mexican Government officials are authorized to sign the attached "Certificado de Exportacion."

- The Directora General de Normas
- The Delegado Secofi, Guadalajara

Please Note - For all bulk shipments of tequila, the U.S. bottler must maintain a copy of the "Certificado de Exportacion" at his bottling premises.

PORTUGAL

The government of Portugal has authorized the following regional authorities to issue certificates of origin for specific Portuguese wines and brandies exported to the U.S.

Instituto Do Vinho Do Porto for all port wines

Instituto Do Vinho da Madeira for Madeira wines

The Instituto de Viticultura da Regiao dos Vinhos

Verdes for Vinho Verde wines and brandies

Federacao dos Vinicultores do Dao for all Dao wines and brandies

Adega Regional de Colares for Colares wines

Instituto da Vinha e do Vinho (National Wine Boards) for wines with denomination of origin Moscatel de Setubal or, merely Setubal,

Carcavelos, Algarve, Bairrada and Bucelas; rose wines from Beiras, Ribatejo-Oeste and Tras-os-Montes; wines and brandies from any other growing regions.

ROMANIA

Officials of the Romanian Chamber of Commerce and Industry issue certificates of origin for the wines listed below. This certificate is entitled "Certificate of Origin."

Cabernet Sauvignon
Pinot Noir
Tarnave Castle Riesling
Valea Dry Riesling
Merlot
Cotnari
Sparkling wines-methode champenoise

SPAIN

A Certificado De Denominacion De Origen (Certificate of Origin) is required for all Spanish Jerez/Xeres/Sherry wines exported to the United States. The Consejo Regulador de Denominacion de Origen, Jerez De La Frontera is authorized by the Spanish Ministry of Agriculture to issue Certificates of origin for sherry wines.

Certificates of age and origin are required for all Spanish brandies exported to the United States. These certificates are issued by various local laboratories sanctioned by the "Ministerio de Agricultura, Pisco y Alimentacion" in Madrid. This certificate has no title or form number associated with it.

UNITED KINGDOM

Certificates of age and origin are issued by a British Officer of Customs and Excise for all Scotch Whiskey and Irish Whiskey exports to the United States. This document is entitled "Certificate for Scotch Whiskey/Irish Whiskey Exported to the United States of America," Form C&E 94. These certificates are signed by an officer of H.M. Customs and Excise.

THE RUSSIAN FEDERATION AND THE FORMER REPUBLICS OF THE U.S.S.R.

The Russian Federation and the former republics of the U.S.S.R. no longer require certificates of origin and identity for alcoholic beverages to enter the United States. This was last updated on August 25, 1998