CHAPTER 8

Standards for Wine, Beer, and Whisky Established by the Treasury Department

The Alcohol and Tobacco Tax Division, Internal Revenue Service, of the Treasury Department regulates and enforces the Federal Alcohol Administration Act (1). Wine, whisky, malt beverages, and miscellaneous alcoholic beverages intended for human consumption are administered by the Treasury Department because of the tax aspect. It also has standards-making and enforcement responsibilities for these products. Thus, in spite of many misconceptions, neither the Food and Drug Administration nor the Department of Agriculture, which helps develop better grapes, corn, barley, rye, and hops, has anything to do with the standards for alcoholic liquors. The Treasury Department devises, publishes, and enforces the standards.

The food-energy or calorie aspect of alcoholic drinks dictates their inclusion in this book.

Publication in F.R. and CFR

Food standards by the Alcohol and Tobacco Tax Division are published in 27 CFR Parts 4, 5, and 7, and in 26 CFR Parts 250–252. They also are published in booklet form (2) of which a single copy is usually available on request to the Division. Still another means of acquiring a copy of the standards (3) is by purchase of a copy of the Federal Register, issue of December 29, 1960, for about 20 cents from the Superintendent of Documents. Issues of the Federal Register are stocked for no longer than 5 or 6 years.

The Federal Alcohol Administration Act

From the Administration’s leaflet “Federal Alcohol Administration Act” (1) several parts are especially pertinent here. Accordingly, the legal background and Sec. 17 (a), paragraphs 6, 7, and 8 are quoted as follows:

"Sec. 17. (a) As used in this Act— . . .

(6) The term 'distilled spirits' means ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for non-industrial use.

(7) The term 'wine' means (1) wine as defined in section 610 and section 617 of the Revenue Act of 1918, (U.S.C., title 26, secs. 441 and 444) as now in force or hereafter amended,18 and (2) other alcoholic beverages not so defined, but made in the manner of wine, including sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than the juice of sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry and sake; in each instance only if containing not less than 7 per centum and not more than 24 per centum of alcohol by volume, and if for non-industrial use.

(8) The term 'malt beverage' means a beverage made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without the addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

18 These provisions are now secs. 3036, 3044, and 3045 of the Internal Revenue Code (26 U.S.C. 3036, 3044 and 3045).

Alcoholic Beverage Composition

Standards and definitions of alcoholic beverages were reviewed and brought up to date by publication in the Federal Register of December 29, 1960 (3). Standards of composition for each of the principal types of alcoholic drinks are there described in detail.

Wines Defined

Laws and regulatory definitions concerning wines of many types are described in 27 CFR Part 4. Reproduced in the Appendix [A-87] of this book are those parts which relate specifically to composition standards of wine.

Distilled Spirits Defined

Title 27, Code of Federal Regulations, Part 5 provides the complete standards and definitions for distilled spirits. Authority is furnished in §§ 5.1–5.81 issued under 49 Stat. 981, as Amended; 27 U.S.C. 205. Cross-references are given to numerous features which relate in many important respects to standards of distilled spirits. These are principally in 27
CFR but several aspects of food standards are located in 26 CFR. The information is contained also in the booklet on regulations (2), available through the Superintendent of Documents, at 30 cents per copy.

Most specifically on product standards of distilled spirits, attention is directed to Part 5, Subparts A–D. Subpart A, entitled Scope, describes general and "territorial extent," while Subpart B on definitions defines in § 5.10 the meaning of terms. Subpart C on Standards of Identity for Distilled Spirits has three Sections, all very pertinent to composition standards. They are:

5.20 Application of standards
5.21 The standards of identity, and
5.22 Alteration of class and type; harmless coloring, flavoring, and blending materials.

LABELING, BRANDS, AND ALCOHOLIC CONTENT

Subpart D, "Labelling Requirements for Distilled Spirits," describes provisions in the product-standards category. These are located in 27 CFR §§ 5.30–5.41. Section titles indicate the context: General; Misbranding; Mandatory label information; Brand names; Class and type; Name and address; Alcoholic content; Net contents; Presence of neutral spirits and coloring, flavoring, and blended materials; Statements of age and percentage; General requirements; and Prohibited practices.

STANDARDS FOR DISTILLED SPIRITS

Title 27 § 5.21 defines the standards of identity for several classes and types of distilled spirits. Neutral spirits or alcohol; Vodka; Whisky, rye whisky, bourbon whisky, wheat whisky, malt whisky, rye malt whisky; Corn whisky; Straight whisky; Straight rye whisky; Straight bourbon whisky; Straight corn whisky; Straight wheat whisky; Straight malt whisky and Straight rye malt whisky; Blended whisky; and Blended rye whisky are described along with whiskies of still other types. Among them are Spirit whisky; Scotch whisky which is a distinctive product of Scotland manufactured in Scotland in compliance with the laws of Great Britain; Irish whisky which is a distinctive product of Ireland manufactured in the Irish Free State or in Northern Ireland; and Canadian whisky which is a distinctive product of Canada manufactured in Canada in compliance with the laws of Canada.

Gins

Distilled gin with its main characteristic flavor from juniper berries; Compound gin, London dry gin, Hollands gin, Geneva gin, Old Tom gin and Buchu gin are described in Class 3 of § 5.21.
Brandies

Fruit brandy, grape brandy, apple brandy, peach brandy, orange brandy, Cognac, Dried fruit brandy, Lees brandy, Pomace brandy or marc brandy, Residue brandy and Neutral brandy are described in Class 4 of §5.21.

Rum

In Class 5 of § 5.21 rums of differing types are described. These are the alcoholic distillate from the fermented juice of, or other products of, sugarcane. “New England Rum” is produced in the United States (but not necessarily in New England). Other rums, which are produced only in the geographic locations whose names they bear are: Puerto Rico, Cuba, Demerara, Barbados, St. Croix, St. Thomas, Virgin Islands, Jamaica, Martinique, Trinidad, Haiti and San Domingo rum.

Cordials and Liqueurs

These products constituting “(f) Class 6” likewise are described in § 5.21. Cordials and liqueurs are “obtained by mixing or redistilling neutral spirits, brandy, gin, or other distilled spirits with or over fruits, flowers, plants, or pure juices therefrom, or other natural flavoring materials, or with extracts derived from infusions, percolations, or maceration of such materials, and containing sugar or dextrose or both in an amount not less than $2\frac{1}{2}$ per cent by weight of the finished product. Synthetic or imitation flavoring materials shall not be included.”

Sloe gin, rye liqueur, bourbon liqueur, bourbon cordial, rock and rye, rock and bourbon, rock and brandy, and rock and rum are all described in Part (f).

Miscellaneous Classes

Other products such as imitations and products of some geographic designations are described in Classes 7, 8, and 9, all within § 5.21 and sections following immediately thereafter.

Bottled Cocktails

Another category of alcoholic products is known to the regulatory officials and to the trade as “Bottled Cocktails.” These have been articles of commerce for more than 20 years. There are two types of bottled cocktails but there are no published standards for these. The types are:

1. Those well known to the public as Martini, Manhattan, etc., and
2. Cocktails or products not so widely known. These latter products
are required under federal regulations to be labeled with complete and accurate statements of composition.

If a mixture is "rum and brandy" and is not less than 40% of one, thus not more than 60% of the other, it would not require quantitative labeling. If, however, it contains 65% rum and 35% brandy then the labeling must declare the percentage of each type or kind of ingredient.

**Malt Beverages**

Regulations including standards of beer, ale and related malt beverages are based on the authority contained in 49 Stat. 981, as amended; 27 U.S.C. 205. The "Source" is §§ 7.1 to 7.60 contained in Treasury Decision 6521, 25 F.R. 13859, Dec. 29, 1960. Other cross references to 27 CFR and to 26 CFR are there provided.

Section 7.24 describes the rules governing the use of geographical names for distinctive types of malt beverages. Examples are Munchner and Pilsen but many more are listed. The Director of the Bureau has the authority and the responsibility for deciding which names have by usage lost their geographical significance to such an extent that they have become generic, e.g., India Pale Ale.

In § 7.25 detailed regulations are provided concerning domestic malt beverages and concerning imported malt beverages. Section 7.26 relating to the alcoholic content of malt beverages provides that the alcoholic content and the percentage and quantity of the original extract shall not be stated unless required by State law. When alcoholic content is required to be stated, but the manner of statement is not specified in the State law, it shall be stated in percentage of alcohol by weight or by volume, and not by proof or by maximums or minimums. Section 7.27 gives the regulations concerning statement of net contents. Further regulations appear in successive sections.

**Book I of Title 26 CFR SUPPLEMENTS 27 CFR**

Preceding pages have referred mainly to 27 CFR which provides most of the definitions and standards of composition of alcoholic beverages. Reference to 26 CFR is made here because it, too, relates to composition standards of potable alcoholic products. For example, § 240.23 states that "Fruit wine" shall mean wine made from juice of sound ripe fruit (including berries) other than grapes. Sparkling wine is defined in § 240.44 and Special natural wines in § 240.45.

The following Parts of Title 26 CFR provide some information pertinent to standards of composition:
REFERENCES

Part 170 Miscellaneous regulations relating to liquor
Part 198 Production of volatile fruit-flavor concentrates
Part 240 Wine
Part 245 Beer
Part 250 Liquors and articles from Puerto Rico and the Virgin Islands
Part 251 Importation of distilled spirits, wines, and beer
Part 252 Exportation of liquors

Summary

Standards of composition as well as many other requirements concerning alcoholic liquors are cited, and some are quoted in full, in this chapter. In 1960, for the first time in about 20 years, the standards were thoroughly reconsidered and revised as necessary. These standards are published in the F.R. and in the CFR.

As can be noted, these standards are principally in 27 CFR but several aspects also are referred to in 26 CFR.

It is the tax aspect of alcoholic drinks which dictates that the law shall be administered by the Alcohol and Tobacco Tax Division, Internal Revenue Service, U.S. Treasury Department.

REFERENCES