

Beer Labeling Questions Have Not Been Settled Entirely

By H. C. HALLAM, *Special Correspondent*, THE AMERICAN BREWER, Washington, D. C.

PROBLEMS involved in the labeling of beer have been engaging the attention of the Bureau of Internal Revenue and Industrial Alcohol, higher Treasury Department officials, the Federal Alcohol Control Administration, the Food and Drug Administration of the Department of Agriculture, and the Brewers' Code Authority. The result may be summarized, as to their high points, in the following:

Beer containing 3.2 per cent of alcohol, or any other quantity of alcohol, need not be labeled so as to show alcoholic content. If beer is labeled to show alcoholic content such content must approximate the amount shown on the label. It is not permitted to label a 3.2 per cent beer with a statement that it does not contain more than a certain higher percentage of alcohol. If the alcoholic content is shown there is a tolerance allowed up to 25/100 of 1%, according to an understanding in brewing trade circles.

The brewers gained their point in the matter of obtaining abolition of the official requirement that beer authorized by the Federal Beer Law of March 22, 1933, must be labeled to show that its alcoholic content does not exceed 3.2 per cent. As told in this correspondence last month, this matter was pending before the Treasury Department, with the support of the brewers. The result desired was forthcoming in a recent decision of the Internal Revenue Bureau entitled "T. D. 4423, Fermented Liquor-Regulation No. 9 amended." This decision bore the signatures of Captain D. Spencer Bliss, Commissioner of Industrial Alcohol; Guy T. Halvering, Commissioner of Internal Revenue, and Henry Morgenthau Jr., Secretary of the Treasury.

Besides liberalizing the labeling requirements for bottled beer, this decision upheld the regulation of a year ago requiring that beer barrels be side-branded. It is permitted under the new decision to substitute the name of a bottler, distributor or dealer for that of a brewer. The decision also upheld a ruling obtained for THE AMERICAN BREWER from the Food and Drug Administration last year to the effect that beer could not be labeled so as to imply a foreign origin, unless the label, name or data be accompanied by the word "type" or "style." This would apply to much so-called Pilsner beer of domestic origin.

T. D. 4423 is in full as follows:

Section 16 of Regulations 9 as amended by Treasury Decision 15, approved July 11, 1933, is hereby further amended to read as follows:

Sec. 16. (a) The name of the manufacturer of the fermented liquor and the place of manufacturer must be embossed on, or indented in, metal barrels or kegs. The name of the manufacturer and the place of manufacture must be branded by burning on the side across the staves, and must extend over sixty per cent or more of the circumference, of wooden barrels or kegs containing fer-

mented liquor. The branding must be of sufficient depth and size so that it may not be scraped from barrels without leaving traces to indicate scraping.

No wooden barrel or keg which has been rebranded across the staves and no wooden barrel or keg which has the name of more than one manufacturer branded thereon may be used by a brewer as a container for fermented liquor, provided that the removal and replacement of one or more staves by the brewer whose name and address are originally so branded on a barrel or keg shall not be deemed to be a rebranding hereunder.

Each bottle containing fermented liquors must be labeled, and each closed case of bottles must be labeled or branded, showing, in clearly legible figures and letters, the following:

- (1) The name of the manufacturer;
- (2) The location of the brewery, by city, or town, and state;
- (3) The serial number of the basic permit under which the fermented liquor is produced;
- (4) The special name of the liquor, if any. (The use of the words beer, ale, porter, lager, bock, stout, etc., is permissible on such labels);
- (5) "Taxpaid at the rate prescribed by Internal Revenue Law" or "Internal Revenue Tax Paid."

Wooden or metal barrels and kegs must also bear labels or brands, or be embossed or indented, showing the data in the above items Numbers 3 and 4.

(b) Where such fermented liquor is bottled or marketed by a distributor or dealer, and it is not desired to disclose on the label the name of the actual manufacturer, the label above-described must contain all the prescribed data, except that the name and address of the bottler, distributor or dealer may be substituted for the name and address of the actual manufacturer.

(c) If the name of a distributor appears on the label in addition to the name of the manufacturer, the distributor's name must be preceded by the phrase "Packed for" or "Distributed by."

(d) Attention is called to the fact that under the Food and Drug Act the name and other data on the labels may not imply a foreign origin of the fermented liquor, unless such name or data are followed by the word "type" or "style", or the other data on the label clearly show the domestic origin of the fermented liquor.

(e) Copies of the labels are not required to be submitted to the Supervisor or the Commissioner unless requested.

D. S. BLISS,
Commissioner of Industrial Alcohol.
GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: March 13, 1934,
H. MORGENTHAU, Jr.,
Secretary of the Treasury.

Labeling questions have been dealt with by attorneys for the FACA in letters to brewing interests. One of these letters from W. A. Russel, attorney, to the Superior Brewing Company, Chicago, holds that beer should contain approximately the alcoholic content shown upon its label. This letter, which is being circulated by the Brewers' Code Authority, is as follows:

March 6, 1934.

Gentlemen:

Your letter dated March 3, 1934, requesting the opinion of the Administration in regard to certain beer labels has been referred to me for reply.

The Administration has not as yet issued any regulations relating to products of the Brewing Industry in accordance with the power granted to it under Article IV, Section 2 (c) of the Code of Fair Competition for the Brewing Industry. Moreover, the Administration will not give its approval to any samples of labels which are submitted to it. It will, however, answer specific questions in relation to such labels.

In your letter you suggest several methods of stating the approximate alcoholic content of your "Hunters Tap Beer." The state-