

## Bureau of Alcohol, Tobacco and Firearms, Treasury

§ 194.3

### PERSONS WHO ARE NOT DEALERS IN LIQUORS OR BEER

- 194.188 Persons making casual sales.
- 194.189 Agents, auctioneers, brokers, etc., acting on behalf of others.
- 194.190 Apothecaries or druggists selling medicines and tinctures.
- 194.191 Persons selling products unfit for beverage use.
- 194.192 Retail dealer selling in liquidation his entire stock.
- 194.193 Persons returning liquors for credit, refund, or exchange.

### Subpart M—Refund of Special Taxes

- 194.201 Claims.
- 194.202 Time limit on filing of claim.
- 194.203 Discontinuance of business.

### Subpart N—Restrictions Relating to Purchases of Distilled Spirits

- 194.211 Unlawful purchases of distilled spirits.

### Subpart O—Prescribed Records and Reports, and Posting of Signs

#### WHOLESALE DEALERS' RECORDS AND REPORTS

- 194.221 General requirements as to distilled spirits.
- 194.222 Requirements as to wines and beer.
- 194.223 Records to be kept by States, political subdivisions thereof, or the District of Columbia.
- 194.224 Records to be kept by proprietors of distilled spirits plants.
- 194.225 Records of receipt.
- 194.226 Records of disposition.
- 194.227 Cancelled or corrected records.
- 194.228 Previously prescribed or approved records of receipt and disposition.
- 194.229 Variations in format, or preparation, of records.
- 194.230 Monthly summary report.
- 194.231 Conversion between metric and U.S. units.
- 194.232 Discontinuance of business.
- 194.233 Requirements when a wholesale dealer in liquors maintains a retail department.

#### RETAIL DEALER'S RECORDS

- 194.234 Requirements for retail dealers.

#### FILES OF RECORDS AND REPORTS

- 194.235 Filing.
- 194.236 Place of filing.

#### PERIOD OF RETENTION

- 194.237 Retention of records and files.
- 194.238 Photographic copies of records.
- 194.239–194.241 [Reserved]

### Subpart P [Reserved]

### Subpart Q—Reuse and Possession of Used Liquor Bottles

- 194.261 Refilling of liquor bottles.
- 194.262 Possession of refilled liquor bottles.
- 194.263 Possession of used liquor bottles.
- 194.264 Mixed cocktails.

### Subpart R—Packaging of Alcohol for Industrial Uses

- 194.271 Requirements and procedure.
- 194.272 Labeling.

### Subpart S—Distilled Spirits for Export With Benefit of Drawback

- 194.281 General.
- 194.283 Records.

### Subpart T—Miscellaneous

- 194.291 Destruction of marks and brands on wine containers.
- 194.292 Wine bottling.
- 194.293 Mixing cocktails in advance of sale.

AUTHORITY: 26 U.S.C. 5001, 5002, 5111–5114, 5116, 5117, 5121–5124, 5142, 5143, 5145, 5146, 5206, 5207, 5301, 5352, 5555, 5613, 5681, 5691, 6001, 6011, 6061, 6065, 6071, 6091, 6109, 6151, 6311, 6314, 6402, 6511, 6601, 6621, 6651, 6657, 7011, 7805.

SOURCE: 25 FR 6270, July 2, 1960, unless otherwise noted. Redesignated at 40 FR 16835, Apr. 15, 1975.

## Subpart A—Scope of Regulations

### § 194.1 Applicability.

This part contains the substantive and procedural requirements relating to the special taxes imposed on wholesale and retail dealers in liquors and in beer, requirements and procedures pertaining to operations of such dealers prescribed under Title 26 of the United States Code, as amended, and provisions relating to entry of premises and inspection of records by ATF officers.

[T.D. ATF-271, 53 FR 17552, May 17, 1988]

### § 194.2 Territorial extent.

The provisions of this part shall be applicable in the several States of the United States and the District of Columbia.

### § 194.3 Basic permit requirements.

Every person, except an agency of a State or political subdivision thereof, who intends to engage in the business of selling distilled spirits, wines, or

## § 194.4

beer to other dealers is required by regulations in in Part 1 of this chapter to obtain a basic permit authorizing him to engage in such business.

[25 FR 6270, July 2, 1960. Redesignated at 40 FR 16835, Apr. 15, 1975, and amended by T.D. ATF-48, 44 FR 55843, Sept. 28, 1979]

### § 194.4 Relation to State and municipal law.

The payment of any tax imposed by 26 U.S.C. Chapter 51, for carrying on any trade or business specified in §194.1 shall not be held to exempt any person from any penalty or punishment provided by the laws of any State for carrying on such trade or business within such State, or in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such State or in places prohibited by municipal law; nor shall the payment of any such tax be held to prohibit any State from placing a duty or tax on the same trade or business, for State or other purposes.

(72 Stat. 1348; 26 U.S.C. 5145)

[T.D. 7130, 36 FR 12852, July 8, 1971. Redesignated at 40 FR 16835, Apr. 15, 1975, and amended by T.D. ATF-48, 44 FR 55843, Sept. 28, 1979]

## Subpart B—Definitions

### § 194.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meaning ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms “includes” and “including” do not exclude things not enumerated which are in the same general class.

*ATF Officer.* An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this part.

*Beer.* Beer, ale, porter, stout, and other similar fermented beverages (including sake or similar products) of any name or description containing one-half of 1 percent or more of alcohol

## 27 CFR Ch. I (4–1–02 Edition)

by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.

*Bonded wine cellar.* An establishment qualified under this chapter for the production, blending, cellar treatment, storage, bottling, and packaging or re-packaging of untaxpaid wine.

*Brewery.* An establishment qualified under this chapter for the production of beer.

*CFR.* The Code of Federal Regulations.

*Dealer.* Any person who sells, or offers for sale, any distilled spirits, wines, or beer.

*Denatured spirits or denatured alcohol.* Spirits to which denaturants have been added as prescribed under this chapter.

*Director.* The Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, DC.

*Director of the service center.* A director of an internal revenue service center.

*Distilled spirits or spirits.* That substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof, from whatever source or by whatever process produced.

*Distilled spirits plant.* An establishment qualified under Part 19 of this chapter for the production, storage or processing of distilled spirits.

*District director.* A district director of internal revenue.

*Fiscal year.* The period from October 1 of one calendar year through September 30 of the following year.

*Gallon or wine gallon.* A United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

*Liquor bottle.* A bottle made of glass or earthenware, or of other suitable material approved by the Food and Drug Administration, which has been designed or is intended for use as a container for distilled spirits for sale for beverage purposes and which has been determined by the Director to adequately protect the revenue.

*Liquors.* Distilled spirits, wines, or beer.

*Liter.* A metric unit of capacity equal to 1,000 cubic centimeters of alcoholic beverage, and equivalent to 33.814 fluid