

(b) *Process information.* For each formula you must describe in detail each process used to produce a fermented beverage.

(c) *Alcohol content.* For each formula you must state the alcohol content of the fermented product after fermentation and the alcohol content of the finished product.

(d) *Beer base formulas.* You must refer in your formula to any approved formula number that covers the production of any beer base used in producing the formula product. If the beer base was produced by another brewery of the same ownership, you must also provide the name and address or name and registry number of that brewery.

(e) *Additional information.* The appropriate TTB officer may at any time require you to file additional information concerning a fermented product, ingredients, or processes, in order to determine whether a formula should be approved or disapproved or whether the approval of a formula should be continued.

(26 U.S.C. 5415, 5555, 7805(a))

§ 25.58 New and superseding formulas.

(a) *New formulas.* Except as otherwise provided in paragraph (b) of this section, you must file a new formula (with a new formula number) for approval by TTB if you—

- (1) Create an entirely new fermented product that requires a formula;
- (2) Add new ingredients to an existing formulation;
- (3) Delete ingredients from an existing formulation;
- (4) Change the quantity of an ingredient used from the quantity or range of usage in an approved formula;
- (5) Change an approved processing, filtration, or other special method of manufacture that requires the filing of a formula; or
- (6) Change the contribution of alcohol from flavors or ingredients that contain alcohol.

(b) *Superseding formulas.* You may file a superseding formula, instead of a new formula, if you have made any change listed in paragraphs (a)(2) through (a)(6) of this section and that change is not of a type that would require a holder of a certificate of label approval to

file a new application for label approval on TTB Form 5100.31.

(1) A superseding formula replaces an existing formula, and you should file one only if you do not intend to use the existing formula any more. A superseding formula must be filed with TTB for approval. When TTB approves a superseding formula, TTB will cancel your previous formula.

(2) You may use the same formula number for a superseding formula that you used for the formula the superseding formula replaces, but you must annotate the formula number to indicate it is a superseding formula number. (For example, “Formula 2, superseding.”)

(c) When you file a new or superseding formula with TTB, you must follow the procedures and other requirements of §§ 25.56 and 25.57.

Subpart G—Qualification of a Brewery

ORIGINAL QUALIFICATION

§ 25.61 General requirements for notice.

(a) *Establishment.* Operations as a brewer may be conducted only by a person who has given notice as a brewer under this subpart. A person may not commence the business of a brewer until the appropriate ATF officer approves the brewery and the brewer’s notice, including all documents made part of that notice.

(b) *Brewer’s Notice, Form 5130.10.* Each person must, before commencing business as a brewer, give notice on Form 5130.10. Each person continuing business as a brewer as provided in § 25.71 must give notice on Form 5130.10. Each notice will be executed under penalties of perjury, and all written statements, affidavits, and other documents submitted in support of the notice will be made part of the notice.

(c) *Additional information.* The appropriate ATF officer may at any time require the brewer to furnish, as part of the notice, additional information

§ 25.62

which is necessary to protect and insure collection of the revenue.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1388, as amended (26 U.S.C. 5401))

[T.D. ATF-224, 51 FR 7673, Mar. 5, 1986, as amended by T.D. ATF-437, 66 FR 5479, Jan. 19, 2001]

§ 25.62 Data for notice.

(a) *Required information.* The brewer shall prepare the notice on Form 5130.10 and shall include the following information:

- (1) Serial number.
- (2) Purpose for which filed.
- (3) Name and principal business address of the brewer and the location of the brewery if different from the business address.
- (4) Statement of the type of business organization and of the persons interested in the business, supported by the information listed in § 25.66.
- (5) Description of brewery, as specified in § 25.68.
- (6) A list of trade names which the brewer intends to use in doing business or in packaging beer.
- (7) A statement of process for fermented beverages if required by § 25.67.
- (8) The name and address of the owner of the land or buildings comprising the brewery, and of any mortgagee or other encumbrancer of the land or buildings comprising the brewery.
- (9) The 24-hour cycle of operations at the brewery which is to be the brewer's business day.
- (10) The process by which the brewer intends to render beer unfit for beverage use when beer is to be removed for use in manufacturing under §§ 25.191-25.192.
- (11) Statement showing ownership or controlling interests in other breweries which will establish eligibility for the transfer of beer without payment of tax between breweries of the same ownership, as authorized in § 25.181.
- (12) The date of the notice and the name and signature of the brewer or person authorized to sign on behalf of the brewer.

(b) *Incorporation by reference.* If any of the information required by paragraph (a)(4) of this section is on file with an ATF office in connection with the qualification of any other premises oper-

27 CFR Ch. I (4-1-05 Edition)

ated by the brewer, that information, if accurate and complete, may be incorporated into the brewer's notice by reference.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1388, as amended (26 U.S.C. 5401))

[T.D. ATF-224, 51 FR 7673, Mar. 5, 1986]

EFFECTIVE DATE NOTE: By TTB T.D.-21, 70 FR 237, Jan. 3, 2005, § 25.62 was amended by removing paragraph (a)(7), effective Jan. 3, 2006.

§ 25.63 Notice of registration.

The Brewer's Notice, Form 5130.10, when approved by the appropriate ATF officer, will constitute the notice of registration of the brewery. The appropriate ATF officer will not approve the notice until the notice and all incorporated documents are complete, accurate, and in compliance with the requirements of this part. A person may not operate a brewery until the notice required by this subpart has been approved by the appropriate ATF officer.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1388, as amended (26 U.S.C. 5401))

§ 25.64 Maintenance of notice file.

The brewer shall maintain the approved Brewer's Notice, Form 5130.10, and all incorporated documents at the brewery premises, in complete and current condition, readily available for inspection by an appropriate ATF officer.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1388, as amended (26 U.S.C. 5401))

§ 25.65 Power of attorney.

The brewer shall execute and file a Form 1534 (5000.8) for each person authorized to sign or act on behalf of the brewer. The Form 1534 (5000.8) is not required for persons whose authority is furnished in the Brewer's Notice, Form 5130.10.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1388, as amended (26 U.S.C. 5401))

§ 25.66 Organizational documents.

The supporting information required by paragraph (a)(4) of § 25.62 includes, as applicable, the following:

- (a) *Corporate documents.* (1) Corporate charter or a certificate of corporate existence or incorporation;