

§41.27

the terms of the approved application. Authorization for any alternate method or procedure may be withdrawn whenever in the judgment of the appropriate TTB officer the revenue is jeopardized or the effective administration of this part is hindered. The importer shall retain, as part of his records, any authorization of the appropriate TTB officer under this section.

[26 FR 8190, Aug. 31, 1961. Redesignated at 40 FR 16835, Apr. 15, 1975, and further redesignated and amended by T.D. TTB-16, 69 FR 52424, Aug. 26, 2004]

§41.27 Emergency variations from requirements.

The appropriate TTB officer may approve methods of operation other than as specified in this part, where he finds that an emergency exists and the proposed variations from the specified requirements are necessary, and the proposed variations—

- (a) Will afford the security and protection to the revenue intended by the prescribed specifications,
- (b) Will not hinder the effective administration of this part, and
- (c) Will not be contrary to any provision of law.

Variations from requirements granted under this section are conditioned on compliance with the procedures, conditions, and limitations set forth in the approval of the application. Failure to comply in good faith and with such procedures, conditions, and limitations shall automatically terminate the authority for such variations and the importer thereupon shall fully comply with the prescribed requirements of regulations from which the variations were authorized. Authority for any variations may be withdrawn whenever in the judgment of the appropriate TTB officer the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such variation. Where an importer desires to employ such variation, he shall submit a written application to do so, in triplicate, to the appropriate TTB

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

officer. The application shall describe the proposed variations and set forth the reasons therefor. Variations shall not be employed until the application has been approved. The importer shall retain, as part of his records, any authorization of the appropriate TTB officer under this section.

[26 FR 8190, Aug. 31, 1961. Redesignated at 40 FR 16835, Apr. 15, 1975, and further redesignated and amended by T.D. TTB-16, 69 FR 52424, Aug. 26, 2004.]

§41.28 Penalties and forfeitures.

Anyone who fails to comply with the provisions of this part becomes liable to the civil and criminal penalties, and forfeitures, provided by law.

(72 Stat. 1425, 1426; 26 U.S.C. 5761, 5762, 5763)

[26 FR 8190, Aug. 31, 1961. Redesignated at 40 FR 16835, Apr. 15, 1975]

§41.29 Delegations of the Administrator.

The regulatory authorities of the Administrator contained in this part are delegated to appropriate TTB officers. These TTB officers are specified in TTB Order 1135.41, Delegation of the Administrator's Authorities in 27 CFR Part 41, Importation of Tobacco Products and Cigarette Papers and Tubes. You may obtain a copy of this order by accessing the TTB Web site (<http://www.ttb.gov>) or by mailing a request to the Alcohol and Tobacco Tax and Trade Bureau, National Revenue Center, 550 Main Street, Room 1516, Cincinnati, OH 45202.

[T.D. TTB-16, 69 FR 52424, Aug. 26, 2004]

Subpart D—Taxes

TAX RATES

§41.30 Pipe tobacco and roll-your-own tobacco.

Pipe tobacco and roll-your-own tobacco are taxed at the following rates under 26 U.S.C. 5701(f) and (g), respectively:

| Product | Tax rate per pound ¹ for removals during the years | | |
|--------------------|---|---------------|----------------|
| | 1993 to 1999 | 2000 and 2001 | 2002 and after |
| Pipe tobacco | \$0.675 | \$0.9567 | \$1.0969 |

Alcohol and Tobacco Tax and Trade Bureau, Treasury

§ 41.33

| Product | Tax rate per pound ¹ for removals during the years | | |
|-----------------------------|---|---------------|----------------|
| | 1993 to 1999 | 2000 and 2001 | 2002 and after |
| Roll-your-own tobacco | No tax | 0.9567 | 1.0969 |

¹ Prorate tax for fractions of a pound.

[T.D. ATF-420, 64 FR 71942, Dec. 22, 1999]

§ 41.31 Cigar tax rates.

(a) Cigars are taxed at the following rates under 26 U.S.C. 5701(a):

| Product | Tax rate for removals during the years | | |
|--------------------------------------|--|---------------|----------------|
| | 1993 to 1999 | 2000 and 2001 | 2002 and after |
| Small cigars (per thousand) | \$1.125 | \$1.594 | \$1.828 |
| Large cigars ¹ | | | |
| percentage of sale price | 12.75% | 18.063% | 20.719% |
| but not to exceed per thousand | \$30 | \$42.50 | \$48.75 |

¹ For large cigars, the percentage tax rate applies when the sale price is \$235.294 per thousand or less, and the flat tax rate applies when the sale price is more than \$235.294.

(b) See § 41.39 of this part for rules concerning determination of sale price of large cigars.

same rate as similar cigars removed for sale.

(c) Cigars not exempt from tax under 26 U.S.C. chapter 52 and the provisions of this part which are removed but not intended for sale shall be taxed at the

[T.D. ATF-420, 64 FR 71942, Dec. 22, 1999. Re-designated and amended by T.D. TTB-16, 69 FR 52424, 52425, Aug. 26, 2004]

§ 41.32 Cigarette tax rates.

Cigarettes are taxed at the following rates under 26 U.S.C. 5701(b):

| Product | Tax rate per thousand for removals during the years | | |
|---------------------------------------|--|---------------|----------------|
| | 1993 to 1999 | 2000 and 2001 | 2002 and after |
| Small cigarettes | \$12 | \$17 | \$19.50 |
| Large cigarettes up to 6½" long | 25.20 | 35.70 | 40.95 |
| Large cigarettes over 6½" long | Use tax rates for small cigarettes, but count each 2¾ inches or fraction thereof of the length of each as one cigarette. | | |

[T.D. ATF-420, 64 FR 71943, Dec. 22, 1999]

§ 41.33 Smokeless tobacco tax rates.

Smokeless tobacco products are taxed at the following rates under 26 U.S.C. 5701(e):

| Product | Tax rate per pound ¹ for removals during the years | | |
|-----------------------|---|--------------|----------------|
| | 1993 to 1999 | 2000 or 2001 | 2002 and after |
| Snuff | \$0.36 | \$0.51 | \$0.585 |
| Chewing tobacco | \$0.12 | \$0.17 | \$0.195 |

¹ Prorate tax for fractions of a pound.

[T.D. ATF-420, 64 FR 71943, Dec. 22, 1999]