

**§§ 31.239–31.241**

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(Sec. 201, Pub. L. 85-859, 72 Stat. 1395, as amended (26 U.S.C. 5555))

[T.D. ATF-116, 47 FR 51573, Nov. 16, 1982. Redesignated by T.D. TTB-25, 70 FR 19884, Apr. 15, 2005]

**§§ 31.239–31.241 [Reserved]**

**Subpart P [Reserved]**

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

**§ 31.261 Refilling of liquor bottles.**

No person who sells, or offers for sale, distilled spirits, or agent or employee of such person, shall (a) place in any liquor bottle any distilled spirits whatsoever other than those contained in such bottle at the time of closing under the provisions of 26 U.S.C. Chapter 51, or (b) by the addition of any substance whatsoever to any liquor bottle, in any manner alter or increase any portion of the original contents contained in such bottle at the time of closing under the provisions of 26 U.S.C. Chapter 51.

(72 Stat. 1374; 26 U.S.C. 5301)

[T.D. 6954, 33 FR 6814, May 4, 1968. Redesignated at 40 FR 16835, Apr. 15, 1975, and amended by T.D. ATF-48, 44 FR 55844, Sept. 28, 1979; T.D. ATF-206, 50 FR 23953, June 7, 1985. Redesignated by T.D. TTB-25, 70 FR 19884, Apr. 15, 2005]

**§ 31.262 Possession of refilled liquor bottles.**

No person who sells, or offers for sale, distilled spirits, or agent or employee of such person, shall:

(a) Possess any liquor bottle in which any distilled spirits have been placed in violation of the provisions of § 31.261, or

(b) Possess any liquor bottle, any portion of the contents of which has been altered or increased in violation of the provisions of § 31.261.

(72 Stat. 1374; 26 U.S.C. 5301)

[Redesignated and amended by T.D. TTB-25, 70 FR 19884, 19887, Apr. 15, 2005]

**27 CFR Ch. I (4–1–08 Edition)**

**§ 31.263 Possession of used liquor bottles.**

The possession of used liquor bottles by any person other than the person who empties the contents thereof is prohibited except for the following:

(a) The owner or occupant of any premises on which such bottles have been lawfully emptied may assemble the same on such premises—

(1) For delivery to a bottler or importer on specific request of such bottler or importer;

(2) For destruction, either on the premises on which the bottles are emptied or elsewhere, including disposition for purposes which will result in the bottles being rendered unusable as bottles; or

(3) In the case of unusual or distinctive bottles, for disposition or sale as collectors' items or for other purposes not involving the packaging of any product for sale.

(b) Any person may possess, offer for sale, or sell unusual or distinctive bottles for purposes not involving the packaging of any product for sale.

(c) Any person may assemble used liquor bottles for the purpose of recycling or reclaiming the glass or other approved liquor bottle material.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1374, as amended (26 U.S.C. 5301))

[T.D. ATF-114, 47 FR 43950, Oct. 5, 1982. Redesignated by T.D. TTB-25, 70 FR 19884, Apr. 15, 2005]

**§ 31.264 Mixed cocktails.**

A retail liquor dealer who mixes cocktails or compounds any alcoholic liquors in advance of sale, as provided in § 31.293, may not use liquor bottles in which distilled spirits have been previously packaged for the storage of the mixture pending sale.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1374, as amended (26 U.S.C. 5301))

[T.D. ATF-62, 44 FR 71694, Dec. 11, 1979. Redesignated and amended by T.D. TTB-25, 70 FR 19884, 19887, Apr. 15, 2005]

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

**§ 31.271 Requirements and procedure.**

On compliance with the provisions of Part 19 of this chapter applicable to

persons repackaging distilled spirits, a dealer in liquor engaged in the business of supplying alcohol for industrial use may obtain bulk alcohol on which the tax has been paid or determined and repackage the alcohol for sale for industrial use in containers of a capacity in excess of 1 wine gallon and not more than 5 wine gallons.

(a) *Qualification procedure.* Application for registration, Form 5110.41, and application for an operating permit, Form 5110.25, modified in accordance with instructions of the appropriate TTB officer, shall be executed and filed with the appropriate TTB officer. No alcohol shall be repackaged until the approved application for registration and the operating permit are received.

(b) *Operations.* Repackaging operations shall be conducted in accordance with the bottling and packaging requirements of Part 19 of this chapter. Packaging and labeling operations may be carried on without supervision of an TTB officer unless the appropriate TTB officer requires supervision.

(c) *Records.* The dealer shall keep records, daily, showing the bulk alcohol received, dumped for packaging, packaged, and disposed of, including the name and address of each consignor and consignee. The dealer shall prepare a monthly report on Form 5110.28 of bulk alcohol received, packaged, and disposed of. Reports on Form 5110.28 shall be submitted to the appropriate TTB officer not later than the 15th day of the month succeeding the period for which rendered. Records, documents, or copies of documents supporting the records, and copies of reports submitted to the appropriate TTB officer shall be filed and retained as prescribed in §§ 31.236 and 31.237.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1343, as amended, 1358, as amended, 1360, as amended (26 U.S.C. 5116, 5205, 5206))

[T.D. ATF-62, 44 FR 71694, Dec. 11, 1979, as amended by T.D. ATF-206, 50 FR 23953, June 7, 1985. Redesignated and amended by T.D. TTB-25, 70 FR 19884, 19887 Apr. 15, 2005]

#### § 31.272 Labeling.

Every dealer packaging alcohol for industrial use shall affix to each package filled a label bearing in conspicuous print the words "Alcohol" and "For Industrial Use," the proof of the

alcohol, the capacity of the container, and the packaging dealer's name and address. The dealer may incorporate in the label other appropriate statements; however, such statements shall not obscure or contradict the data required hereby to be shown on such labels.

(72 Stat. 1343, 1360; 26 U.S.C. 5116, 5206)

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

#### § 31.281 General.

A state, or political subdivision thereof, or a person holding a wholesale liquor dealer's basic permit issued under Part 1 of this chapter, may export bottled taxpaid distilled spirits with benefit of drawback to the extent provided in § 28.171 of this chapter. The marking of cases, preparation of notice of shipment on Form 5110.30, the removal and exportation of the distilled spirits, and the filing of claims by the processor of the spirits shall be in accordance with the applicable provisions of Parts 19 and 28 of this chapter.

[T.D. ATF-206, 50 FR 23953, June 7, 1985, as amended by T.S. 9112, 69 FR 3830, Jan. 27, 2004. Redesignated by T.D. TTB-25, 70 FR 19884, Apr. 15, 2005]

#### § 31.283 Records.

The provisions of subpart O of this part regarding records and reports relating to liquors for domestic use are hereby extended to export transactions permitted under the provisions of this subpart.

[T.D. 7002, 34 FR 1592, Feb. 1, 1969. Redesignated at 40 FR 16835, Apr. 15, 1975, and further redesignated by T.D. TTB-25, 70 FR 19884, Apr. 15, 2005]

### Subpart T—Miscellaneous

#### § 31.291 Destruction of marks and brands on wine containers.

The dealer who empties any cask, barrel, keg, or other bulk container of wine shall scrape or obliterate from the empty container all marks, brands, tags, or labels placed thereon under the provisions of part 24 of this chapter as