



Announcement

Advertising, Labeling & Formulation Division

Use of the term Absinthe in the Advertising of Distilled Spirits

This announcement is being provided to remind industry members of their responsibilities under the Federal Alcohol Administration Act (FAA Act) and its implementing regulations with regard to the use of the term absinthe in the advertising of distilled spirits products. Advertisers of distilled spirits are responsible for complying with the advertising provisions of the FAA Act, codified at 27 U.S.C. § 205(f), and the distilled spirits advertising regulations found at 27 CFR 5.61 through 5.66.

The Alcohol and Tobacco Tax and Trade Bureau (TTB) recently approved distilled spirits labels which contain the term absinthe. On October 16, 2007, TTB issued [Industry Circular 2007-5](#), which explained the Bureau's policy with regard to the use of the term absinthe on labels of distilled spirits products and in related advertising material. Absinthe was popular in the late 19th century and early 20th century, particularly in France, and was often portrayed as an addictive and psychotropic beverage due to the presence of the substance thujone. TTB will approve the use of the term "absinthe" on labels of a distilled spirits product and in related advertisements only if the product is thujone-free pursuant to the Food and Drug Administration's (FDA) regulation at 21 CFR 172.510. Based upon the level of detection of FDA's prescribed method for testing for the presence of thujone, TTB considers a product to be "thujone-free" if it contains less than 10 parts per million of thujone.

TTB is concerned that industry members may attempt to advertise distilled spirits products with the term "absinthe" in a manner that either explicitly states or implies that such products provide consumers with hallucinogenic, psychotropic or mind-altering effects. It is TTB's policy that the use of advertising statements or images that explicitly state or imply that consumption of such alcohol beverages will provide consumers with hallucinogenic, psychotropic or mind-altering effects is misleading in violation of the regulations appearing at 27 CFR 5.65(a)(1). Pursuant to our Alcohol Beverage Advertising Program, TTB will take appropriate enforcement action when we determine that there have been violations of the advertising provisions of the FAA Act or its implementing regulations. Moreover, TTB's monitoring of absinthe advertising may also help in the detection of other violations involving these products, including those relating to importation.

While alcohol beverage labels must be submitted to TTB for approval prior to use, the same is not true of advertisements. However, TTB offers an advertising pre-clearance service for industry members. Pre-clearing advertising material may help industry members avoid additional expenditures they might otherwise incur by having to revise a noncompliant advertisement after its use.

If you have any questions about advertising requirements for distilled spirits products, please contact the TTB Market Compliance Office at **(202) 927-8140** or toll free at **(866) 927-ALFD (2533), option #5**, by fax at **(202) 927-8605** or by e-mail: alfd@ttb.gov.