§ 26.136 Affixing closures.

Closures or other devices shall be securely affixed to containers having capacity of 1 gallon (3.785 liters) or less so as to leave a portion remaining on the container when it is opened. In addition, the closures or other devices shall be constructed in such a manner as to require that they be broken to gain access to the contents of the containers.

(Approved by the Office of Management and Budget under control number 1512–0352)

[T.D. ATF–206, 50 FR 23954, June 7, 1985]

§ 26.164 Proprietors of taxpaid premises.

Transactions involving the bringing of liquors into the United States from Puerto Rico by proprietors of distilled spirits plants in the United States qualified under the provisions of this chapter shall be recorded and reported in accordance with the regulations governing the operations of such premises in the United States.


§ 26.164a Package gauge record.

When required in this part, with respect to Puerto Rican spirits, a package gauge record shall be prepared to show:

(a) The date prepared;
(b) The related transaction form and its serial number;
(c) The producer or rectifier (processor) of the spirits, and his name, address, and plant registration number; and
(d) For each package, the:
   (1) Package identification or serial number;
   (2) Kind of spirits;
   (3) Gross weight;
   (4) Tare;
   (5) Net weight;
   (6) Proof gallons; and
   (7) Proof.

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§ 26.165 Certificate of effective tax rate computation.

(a) Where distilled spirits of Puerto Rican manufacture which contain eligible wine or eligible flavors are to be required under this part with respect of liquors while in customs custody.

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(72 Stat. 1342, 1395; 26 U.S.C. 5114, 5555)

tax determined for shipment to the United States or are to be shipped to the United States without payment of tax for transfer from customs custody to TTB bond, the consignor shall prepare a certificate of effective tax rate computation showing the:

1. The serial number of TTB Form 5110.31 or 5110.51;
2. Elements necessary to compute the effective tax rate in accordance with §26.79a as follows—
   (i) Proof gallons of distilled spirits (exclusive of distilled spirits derived from eligible flavors);
   (ii) Wine gallons of each eligible wine and the percentage of alcohol by volume of each; and
   (iii) Proof gallons of distilled spirits derived from each eligible flavor;
3. Date of the statement of eligibility for each eligible flavor (see §26.50a).
4. Effective tax rate applied to the product.
5. Signature and title of the consignor.

(b) If the spirits are tax determined for shipment to the United States, the proprietor shall retain the certificate for a period of not less than three years after the last tax determination to which the certificate is applicable. If the spirits are shipped to the United States for transfer from Customs custody to the bonded premises of a distilled spirits plant, the proprietor shall forward the certificate to the consignee distilled spirits plant in the United States and retain a copy for his files.

(Approved by the Office of Management and Budget under control number 1512-0203)


Subpart I—Claims for Drawback on Eligible Articles From Puerto Rico

§ 26.170 Drawback of tax.
Any person who brings eligible articles into the United States from Puerto Rico may claim drawback of the distilled spirits excise taxes paid on such articles as provided in this subpart.

§ 26.171 Claimant registration.
Any person filing claim for drawback of tax on eligible articles brought into the United States from Puerto Rico must register annually as a nonbeverage domestic drawback claimant. Registration will be accomplished when the claimant submits the first drawback claim for each year, along with the required supporting data for the claim, under subpart G of part 17 of this chapter. For purposes of registration, subpart C part 17 of this chapter shall apply as if the use and tax determination occurred in the United States at the time the article was brought into the United States, and each business location from which entry of eligible articles is caused or effected shall be treated as a place of manufacture.


§ 26.172 Bonds.
(a) General. Persons bringing eligible articles into the United States from Puerto Rico and intending to file monthly claims for drawback under the provisions of this subpart shall obtain a bond on Form 5154.3. When the limit of liability under a bond given in less than the maximum amount has been reached, further drawback on monthly claims may be suspended until a strengthening or superseding bond in a sufficient amount has been furnished. For provisions relating to bonding requirements, subpart E of part 17 of this chapter is incorporated in this part.

(b) Approval required. No person bringing eligible articles into the United States from Puerto Rico may file monthly claims for drawback under the provisions of this subpart until a bond on TTB Form 5154.3 has been approved.