

By the Board, David M. Konschnik,
Director, Office of Proceedings.
Vernon A. Williams,
Secretary.
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DEPARTMENT OF THE TREASURY

[Treasury Order 111-02]

Temporary Arrangements for Functions Relating to Tax Policy, Delegation of Authority

Dated: June 12, 1996.

Pursuant to the authority vested in the Secretary of the Treasury, including the authority vested by 31 U.S.C. 321(b), and notwithstanding Treasury Order (TO) 101-05 (dated May 4, 1995), it is ordered that the following arrangements shall be temporarily in effect with respect to tax policy functions.

1. The Director, Tax Advisory Program for Central and Eastern Europe and the Former Soviet Union, shall report through the Deputy Secretary to the Secretary, and shall be authorized to use the title of, and sign all correspondence as, Acting Assistant Secretary (Tax Policy).

2. All duties and powers carried out by the Assistant Secretary (Tax Policy) prior to the date of this Order, including all powers and duties described in TO 111-01, dated March 16, 1981, shall be carried out by the Acting Assistant Secretary (Tax Policy).

3. Those officials subject to the supervision of the Assistant Secretary (Tax Policy) pursuant to TO 101-05 (dated May 4, 1995) shall report to the Acting Assistant Secretary (Tax Policy).

4. *Redelegation.* The duties and powers assigned by this Order may be redelegated. Any such redelegation shall be in writing.

5. *Effective Date.* The foregoing arrangements shall be effective immediately.

6. *Cancellation.* This temporary Order shall terminate without any further action when a new Assistant Secretary (Tax Policy) executes the oath of office.

OPI: AS (Tax Policy)
Robert E. Rubin,
Secretary of the Treasury.
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Bureau of Alcohol, Tobacco and Firearms

[Docket No. 829; Ref: ATF O 1130.2]

Delegation Order; Delegation to Bureau Headquarters Personnel of Authorities of the Director in 27 CFR Parts 4, 5, and 7, Federal Alcohol Administration (FAA) Act

1. *Purpose.* This order delegates certain authorities of the Director to Bureau Headquarters Enforcement personnel.

2. *Cancellation.*

a. ATF O 1100.124A, Delegation Order—Delegation to the Associate Director (Compliance Operations) of Authorities of the Director in 27 CFR Parts 4, 5, and 7, Federal Alcohol Administration (FAA) Act, dated April 12, 1984, is canceled.

b. Specific authorities relating to 27 CFR Parts 4, 5, and 7, as outlined in paragraph 5.b. of ATF O 1100.142, Delegation Order—Redelegation by the Associate Director (Compliance Operations) of Certain Authorities in Title 27 of the Code of Federal Regulations, are canceled.

3. *Background.* Under current regulations, the Director has the authority to take final action on matters relating to the labeling and advertising of wine, distilled spirits, and beer. The Bureau has determined that certain of these authorities should, in the interest of efficiency, be redelegated to a lower organizational level.

4. *Delegations.* Under the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by Treasury Department Order No. 120-01, dated June 6, 1972 (formerly Treasury Department Order No. 221).

a. The Chief, Product Compliance Branch is delegated authority to take final action on the following matters:

(1) To determine, pursuant to application, whether wine made from any variety of any species which is too strongly flavored at 75 percent minimum varietal content may be labeled with the varietal name, under 27 CFR 4.23(c)(2).

(2) To determine, whether a name of geographic significance which is also the designation of a class or type of wine, is deemed to be generic or semigeneric, under 27 CFR 4.24(a)(1) and 4.24(b)(1).

(3) To deem a name of geographic significance, which has not been found to be generic or semigeneric to be the distinctive designation of a wine when found that is known to the consumer and to the trade as a designation of a specific wine of a particular place or

region, distinguishable from all other wines, under 27 CFR 4.24(c)(1).

(4) To determine when a brand name has viticultural significance, under 27 CFR 4.39(i).

(5) To allow the use of product names with specific geographical significance that because of their long usage are recognized by consumers as fanciful product names and not representations as to origin; and to require the label to bear a statement disclaiming the geographical reference as a representation as to the origin of the wine, under 27 CFR 4.39(j).

(6) To determine as generic those geographical names or distinctive places for distilled spirits or malt beverages, which have by usage and common knowledge lost their geographical significance to such an extent that they have become generic, under 27 CFR 5.22(k)(2), 5.22(1)(2) and 7.24(g).

b. ATF Specialist, in the Product Compliance Branch, is delegated authority to take final action on the following matters:

(1) To determine whether a brand name, either when qualified by the word "brand" or when not so qualified, conveys no erroneous impression as to the age, origin, identity, or other characteristics of the product, under 27 CFR 4.33(b), 5.34(a), and 7.23(b).

(2) To approve methods for permanently marking the net contents on bottles, under 27 CFR 4.37(c) and 5.38(c).

(3) To require the submission of a full and accurate statement of the contents of containers and bottles to which labels are to be or have been affixed, under 27 CFR 4.38(h) and 5.33(g).

(4) To prohibit any statement, design, device, or representation of or relating to analyses, standards, tests, guarantees, irrespective of falsity, which is likely to mislead the consumer, on a container or bottle of wine, distilled spirits, or malt beverage, or on any label on such container, or (with concurrence of the Chief, Market Compliance Branch) any individual covering, carton, or other wrapper of such container, or any written, printed, graphic, or other matter accompanying such container to the consumer, under 27 CFR 4.39(a)(4), 4.39(a)(5), 5.42(a)(4), 5.42(a)(5), 7.29(a)(4), and 7.29(a)(5).

(5) To require that dates on labels, which refer to the establishment of any business or brand name, be stated in direct conjunction with the name of the person, company, or brand name to which it refers in order to prevent confusion as to the person, company, or brand name to which the establishment date is applicable, under 27 CFR 4.39(d).