

(b) *Taste tests.* (1) Taste test results may be used in advertisements comparing competitors' products unless they are disparaging, deceptive, or likely to mislead the consumer.

(2) The taste test procedure used shall meet scientifically accepted procedures. An example of a scientifically accepted procedure is outlined in the *Manual on Sensory Testing Methods*, ASTM Special Technical Publication 434, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103, ASTM, 1968, Library of Congress Catalog Card Number 68-15545.

(3) A statement shall appear in the advertisement providing the name and address of the testing administrator.

[T.D. ATF-180, 49 FR 31673, Aug. 8, 1984, as amended by T.D. TTB-91, 76 FR 5477, Feb. 1, 2011]

Subpart H—Standards of Fill for Wine

§ 4.70 Application.

(a) Except as provided in paragraph (b) of this section, no person engaged in business as a producer, rectifier, blender, importer, or wholesaler of wine, directly or indirectly or through an affiliate, shall sell or ship or deliver for sale or shipment, or otherwise introduce in interstate or foreign commerce, or receive therein, or remove from customs custody, any wine unless such wine is bottled or packed in the standard wine containers herein prescribed.

(b) Sections 4.71 and 4.72 of this part do not apply to:

- (1) Sake;
- (2) Wine packed in containers of 18 liters or more;
- (3) Imported wine in the original containers in which entered customs custody if the wine was bottled or packed before January 1, 1979;
- (4) Imported wine bottled or packed before January 1, 1979, and certified as to such in a statement, available to the appropriate TTB officer upon request, signed by an official duly authorized by the appropriate foreign government; or
- (5) Wine domestically bottled or packed, either in or out of customs custody, before October 24, 1943, if the container, or the label on the container,

bears a conspicuous statement of the net contents, and if the actual capacity of the container is not substantially less than the apparent capacity upon visual examination under ordinary conditions of purchase or use.

(c) Section 4.72 of this part does not apply to wine domestically bottled or packed, either in or out of customs custody, before January 1, 1979, if the wine was bottled or packed according to the standards of fill (listed in ounces, quarts, and gallons) prescribed by regulation before that date.

(Approved by the Office of Management and Budget under control number 1513-0064)

[T.D. ATF-12, 39 FR 45222, Dec. 31, 1974, as amended by T.D. ATF-49, 43 FR 19848, May 9, 1978; T.D. ATF-76, 46 FR 1727, Jan. 7, 1981; T.D. TTB-91, 76 FR 5477, Feb. 1, 2011; T.D. TTB-145, 81 FR 94197, Dec. 22, 2016]

§ 4.71 Standard wine containers.

(a) A standard wine container shall be made, formed and filled to meet the following specifications:

(1) *Design.* It shall be so made and formed as not to mislead the purchaser. Wine containers shall be held (irrespective of the correctness of the net contents specified on the label) to be so made and formed as to mislead the purchaser if the actual capacity is substantially less than the apparent capacity upon visual examination under ordinary conditions of purchase or use; and

(2) *Fill.* It shall be so filled as to contain the quantity of wine specified in one of the standards of fill prescribed in § 4.72; and

(3) *Headspace.* It must be designed and filled so that the headspace, or empty space between the top of the wine and the top of the container, meets the following specifications:

(i) *187 mL or more.* If the net contents stated on the label are 187 milliliters or more, the headspace must not exceed 6 percent of the container's total capacity after closure.

(ii) *Less than 187 mL.* If the net contents stated on the label are less than 187 milliliters, except as described in (a)(3)(iii) of this section, the headspace must not exceed 10 percent of the container's total capacity after closure.

(iii) *Exception.* Wine bottled in clear containers with the contents clearly

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visible, with a net content stated on the label of 100 milliliters or less, may have a headspace that does not exceed 30 percent of the container's total capacity after closure.

[T.D. ATF-12, 39 FR 45222, Dec. 31, 1974, as amended by T.D. TTB-91, 76 FR 5477, Feb. 1, 2011; T.D. TTB-165, 85 FR 85520, Dec. 29, 2020]

§ 4.72 Metric standards of fill.

(a) *Authorized standards of fill.* The standards of fill for wine are the following:

3 liters.	355 milliliters
1.5 liters.	250 milliliters.
1 liter.	200 milliliters.
750 milliliters.	187 milliliters.
500 milliliters.	100 milliliters.
375 milliliters.	50 milliliters.

(b) *Sizes larger than 3 liters.* Wine may be bottled or packed in containers of 4 liters or larger if the containers are filled and labeled in quantities of even liters (4 liters, 5 liters, 6 liters, etc.).

(c) *Tolerances.* The tolerances in fill are the same as are allowed by § 4.37 in respect to statement of net contents on labels.

[T.D. ATF-12, 39 FR 45223, Dec. 31, 1974, as amended by T.D. ATF-49, 43 FR 19848, May 9, 1978; T.D. ATF-76, 46 FR 1727, Jan. 7, 1981; T.D. ATF-303, 55 FR 42713, Oct. 23, 1990. Redesignated by T.D. ATF-953, 68 FR 39455, July 2, 2003; T.D. TTB-165, 85 FR 85520, Dec. 29, 2020]

Subpart I—General Provisions

§ 4.80 Exports.

The regulations in this part shall not apply to wine exported in bond.

Subpart J—American Grape Variety Names

SOURCE: T.D. ATF-370, 61 FR 539, Jan. 8, 1996, unless otherwise noted.

§ 4.91 List of approved names.

The following grape variety names have been approved by the Administrator for use as type designations for American wines. When more than one name may be used to identify a single variety of grape, the synonym is shown in parentheses following the grape variety names. Grape variety names may appear on labels of wine in upper or in lower case, and may be spelled with or

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without the hyphens or diacritic marks indicated in the following list.

Aglianico
Agawam
Albariño (Alvarinho)
Albemarle
Aleatico
Alicante Bouschet
Aligoté
Alvarelhão
Alvarinho (Albariño)
Arneis
Aurore
Auxerrois
Bacchus
Baco blanc
Baco noir
Barbera
Beacon
Beclan
Bellandais
Beta
Biancolella
Black Corinth
Black Malvoisie (Cinsaut)
Black Monukka
Black Muscat (Muscat Hamburg)
Black Pearl
Blanc Du Bois
Blaufränkisch (Lemberger, Limberger)
Blue Eye
Bonarda
Bountiful
Brianna
Burdin 4672
Burdin 5201
Burdin 11042
Burgaw
Burger
Cabernet Diane
Cabernet Doré
Cabernet franc
Cabernet Pfeffer
Cabernet Sauvignon
Calzin
Campbell Early (Island Belle)
Canada Muscat
Canaiolo (Canaiolo Nero)
Canaiolo Nero (Canaiolo)
Captivator
Carignan (Carignane)
Carignane (Carignan)
Carlos
Carmenère
Carmine
Carnelian
Cascade
Castel 19–637
Catawba
Cayuga White
Centurion
Chambourcin
Chancellor
Charbono
Chardonel
Chardonnay