

AMENDMENTS

1999—Subsec. (e). Pub. L. 106-113 substituted “United States Patent and Trademark Office” for “United States Patent Office” in first par.

1988—Subsec. (e). Pub. L. 100-690, § 8001(b)(2), substituted “the date of the enactment of this title” for “the date of the enactment of this Act”, which had been translated editorially as “August 29, 1935”, thereby requiring no change in text.

1942—Subsec. (f)(2). Act Apr. 20, 1942, substituted “beverages and wines are prohibited” for “beverages are prohibited and except that, in case of wines, statements of alcoholic content shall be required only for wines containing more than 14 per centum of alcohol by volume.”.

1936—Subsec. (e). Act Feb. 29, 1936, substituted “August 15, 1936, in the case of distilled spirits, and December 15, 1936, in the case of wine and malt beverages” for “March 1, 1936.”.

Subsec. (e). Act June 26, 1936, amended subsec. (e) generally.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106-113 effective 4 months after Nov. 29, 1999, see section 1000(a)(9) [title IV, § 4731] of Pub. L. 106-113, set out as a note under section 1 of Title 35, Patents.

Executive Documents

TRANSFER OF FUNCTIONS

“Secretary of the Treasury” and “Secretary” were substituted in subsecs. (b), (e), and (f) for “Administrator”, meaning the Administrator of the Federal Alcohol Administration, pursuant to Reorg. Plan No. III of 1940, see note set out under section 201 of this title.

§ 206. Bulk sales and bottling**(a) Offenses**

It shall be unlawful for any person—

(1) To sell or offer to sell, contract to sell, or otherwise dispose of distilled spirits in bulk except, under regulations of the Secretary of the Treasury, for export or to the following, or to import distilled spirits in bulk except, under such regulations, for sale to or for use by the following: A distiller, rectifier of distilled spirits, person operating a bonded warehouse qualified under the internal-revenue laws or a class 8 bonded warehouse qualified under the customs laws, a winemaker for the fortification of wines, a proprietor of an industrial alcohol plant, or an agency of the United States or any State or political subdivision thereof.

(2) To sell or offer to sell, contract to sell, or otherwise dispose of warehouse receipts for distilled spirits in bulk unless such warehouse receipts require that the warehouseman shall package such distilled spirits, before delivery, in bottles labeled and marked in accordance with law, or deliver such distilled spirits in bulk only to persons to whom it is lawful to sell or otherwise dispose of distilled spirits in bulk.

(3) To bottle distilled spirits unless the bottler is a person to whom it is lawful to sell or otherwise dispose of distilled spirits in bulk.

(b) Penalty

Any person who violates the requirements of this section shall, upon conviction thereof, be

fined not more than \$5,000 or imprisoned for not more than one year or both, and shall forfeit to the United States all distilled spirits with respect to which the violation occurs and the containers thereof.

(c) “In bulk” defined

The term “in bulk” mean in containers having a capacity in excess of one wine gallon.

(Aug. 29, 1935, ch. 814, title I, § 106, formerly § 6, 49 Stat. 985; 1940 Reorg. Plan No. III, § 2, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232; renumbered title I, § 106, Pub. L. 100-690, title VIII, § 8001(a)(1), (2), Nov. 18, 1988, 102 Stat. 4517.)

Executive Documents

TRANSFER OF FUNCTIONS

“Secretary of the Treasury” was substituted in subsec. (a)(1) for “Administrator”, meaning the Administrator of the Federal Alcohol Administration, pursuant to Reorg. Plan No. III of 1940, see note set out under section 201 of this title.

§ 207. Penalties; jurisdiction; compromise of liability

The District Courts of the United States, and the United States court for any Territory, of the District where the offense is committed or threatened or of which the offender is an inhabitant or has his principal place of business, are vested with jurisdiction of any suit brought by the Attorney General in the name of the United States, to prevent and restrain violations of any of the provisions of this subchapter. Any person violating any of the provisions of section 203 or 205 of this title shall be guilty of a misdemeanor and upon conviction thereof be fined not more than \$1,000 for each offense. The Secretary of the Treasury is authorized, with respect to any violation of this subchapter, to compromise the liability arising with respect to such violation (1) upon payment of a sum not in excess of \$500 for each offense, to be collected by the Secretary and to be paid into the Treasury as miscellaneous receipts, and (2) in case of repetitious violations and in order to avoid multiplicity of criminal proceedings, upon agreement to a stipulation, that the United States may, on its own motion upon five days’ notice to the violator, cause a consent decree to be entered by any court of competent jurisdiction enjoining the repetition of such violation.

(Aug. 29, 1935, ch. 814, title I, § 107, formerly § 7, 49 Stat. 985; June 25, 1936, ch. 804, 49 Stat. 1921; 1940 Reorg. Plan No. III, § 2, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232; 1940 Reorg. Plan No. IV, § 2, eff. June 30, 1940, 5 F.R. 2421, 54 Stat. 1234; June 25, 1948, ch. 646, § 32(b), 62 Stat. 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107; renumbered title I, § 107, and amended Pub. L. 100-690, title VIII, § 8001(a)(1), (2), (b)(2), (4), Nov. 18, 1988, 102 Stat. 4517, 4521.)

Editorial Notes

CODIFICATION

As originally enacted this section contained a reference to the Supreme Court of the District of Columbia. Act June 25, 1936, substituted “the district court of the United States for the District of Columbia” for