

(B) commerce between points in any State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, Wake Island, the Midway Islands, Kingman Reef, or Johnston Island, but through any place outside thereof; or

(C) commerce wholly within the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, Wake Island, the Midway Islands, Kingman Reef, or Johnston Island.

(5) The term "container" means the innermost sealed container irrespective of the material from which made, in which an alcoholic beverage is placed by the bottler and in which such beverage is offered for sale to members of the general public.

(6) The term "health" includes, but is not limited to, the prevention of accidents.

(7) The term "person" means an individual, partnership, joint stock company, business trust, association, corporation, or any other business or legal entity, including a receiver, trustee, or liquidating agent, and also includes any State, any State agency, or any officer or employee thereof.

(8) The term<sup>1</sup> "sale" and "distribution" include sampling or any other distribution not for sale.

(9) The term "Secretary" means the Secretary of the Treasury.

(10) The term "State" includes any political subdivision of any State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, Wake Island, the Midway Islands, Kingman Reef, or Johnston Island.

(11) The term "State law" includes State statutes, regulations, and principles and rules having the force of law.

(12) The term "United States", when used in geographical sense, includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, Wake Island, the Midway Islands, Kingman Reef, and Johnston Island.

(Aug. 29, 1935, ch. 814, title II, § 203, as added Pub. L. 100-690, title VIII, § 8001(a)(3), Nov. 18, 1988, 102 Stat. 4518.)

### § 215. Labeling requirement

#### (a) Statement required on container

On and after the expiration of the 12-month period following November 18, 1988, it shall be unlawful for any person to manufacture, import, or bottle for sale or distribution in the United States any alcoholic beverage unless the container of such beverage bears the following statement:

**"GOVERNMENT WARNING:** (1) According to the Surgeon General, women should not drink

alcoholic beverages during pregnancy because of the risk of birth defects. (2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery, and may cause health problems."

#### (b) Conspicuous and prominent location of statement on container

The statement required by subsection (a) of this section shall be located in a conspicuous and prominent place on the container of such beverage, as determined by the Secretary, shall be in type of a size determined by the Secretary, and shall appear on a contrasting background. The Secretary shall make such determinations within 90 days after November 18, 1988.

#### (c) Alcoholic beverages intended for export; beverages intended for Armed Forces of the United States

Subsection (a) of this section shall not apply with respect to alcoholic beverages that are manufactured, imported, bottled, or labeled for export from the United States, or for delivery to a vessel or aircraft, as supplies, for consumption beyond the jurisdiction of the internal revenue laws of the United States: *Provided*, That this exemption shall not apply with respect to alcoholic beverages that are manufactured, imported, bottled, or labeled for sale, distribution, or shipment to members or units of the Armed Forces of the United States, including those located outside the United States.

#### (d) Powers of Secretary; rules and regulations; consultation and coordination with Surgeon General

The Secretary shall—

(1) have the power to—

(A) ensure the enforcement of the provisions of this subchapter, and

(B) issue regulations to carry out this subchapter, and

(2) consult and coordinate the health awareness efforts of the labeling requirements of this subchapter with the Surgeon General of the United States.

(Aug. 29, 1935, ch. 814, title II, § 204, as added Pub. L. 100-690, title VIII, § 8001(a)(3), Nov. 18, 1988, 102 Stat. 4519.)

#### Editorial Notes

#### REFERENCES IN TEXT

The internal revenue laws of the United States, referred to in subsec. (c), are classified generally to Title 26, Internal Revenue Code.

#### § 216. Preemption

No statement relating to alcoholic beverages and health, other than the statement required by section 215 of this title, shall be required under State law to be placed on any container of an alcoholic beverage, or on any box, carton, or other package, irrespective of the material from which made, that contains such a container.

(Aug. 29, 1935, ch. 814, title II, § 205, as added Pub. L. 100-690, title VIII, § 8001(a)(3), Nov. 18, 1988, 102 Stat. 4520.)

#### § 217. Report to Congress

If, after appropriate investigation and consultation with the Surgeon General carried out

<sup>1</sup> So in original. Probably should be "terms".