



News Release

Advertising, Labeling & Formulation Division

November 3, 2003

Information Needed to Consider Label "Use Up" Requests

TTB understands that there are circumstances when a company may request to "use up" labels that do not strictly comply with the labeling requirements of the FAA Act. Reasons may include the sale of a brand to another company or a change of address of the Certificate holder. While TTB does not encourage the use of these labels, we realize that situations arise when temporary approval should be considered. We make our decision about use-up requests or temporary approvals on a case-by-case basis. We restrict approval to situations when consumers are not likely to be misled as to the identity and quality of the contents of the bottle. In order to facilitate the processing of these requests, please submit a written request containing the following information.

1. Information identifying the affected label(s), including the brand name, serial number or TTB ID number. Please attach the written request to the COLA(s).
2. The reason(s) you are requesting permission to "use up" existing labels (i.e., explain what is wrong with the label(s)).
3. The reason you have incorrect/non-compliant labels (i.e., how did this happen).
4. The steps you will take to ensure that this does not happen again in the future.
5. The quantity of labels you have on hand and area of distribution for product you wish to "use up."
6. The length of time you need to "use-up" these labels (bottle/remove).
7. Suggested alternatives to using incorrect/non-compliant labels, such as the addition of a strip label.

Please provide any additional information that you feel might be pertinent during our review of your request, such as the dollar amount of the economic impact you would suffer if you had to destroy or could not "use up" these labels.

Please be advised that if you do not include all the above in your letter, we must then contact you for the additional information. This will increase the time it takes for us to process your request. We also suggest that you submit separate written requests when more than one COLA is involved or if the circumstances or amount of labels or time needed varies. Written requests should be mailed to:

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU
ADVERTISING, LABELING & FORMULATION DIVISION
1310 G Street NW ATTN: 4th Floor
WASHINGTON, DC 20220

After we review all the circumstances as you have presented them, we will make a determination as to whether or not we will grant permission to "use up" existing label stock and for how long. Again, our main concerns are that consumers are not likely to be misled as to the identity and quality of the product, and that we can determine the company responsible for the product.

If you have any questions regarding label "use up" or temporary approval, please call the Advertising Labeling and Formulation Division customer service desk at (202) 927-8140, toll free at 1-866-927-2533 or e-mail us at alfd@ttb.gov.