

This is an alert that the teams, particularly in NY will be enforcing regulation 27.49 which addresses commercial samples of alcoholic beverages.

Any wine sample over 4 ounces will need a label approval (the sample is no longer exempt). Any beer samples more than 8 ounces needs an approval and spirits of more than 2 ounces needs an approval. In NY the team is enforcing this new regulation and since their meeting, the TTB will do the same.

Mr. Braverman stated that the TTB and Customs have been lenient with this regulation and now strict compliance will follow. Every district will conduct business accordingly and possibly not to the letter of the law.

However, the TTB is the agency that looks upon the brokers for understanding, enforcement and expects them to know what the regulations state. Any deviation of this process or misunderstanding of this responsibility will lead the TTB to audit the brokers, which can lead to fines/penalties. In order to avoid this situation, please make sure your broker knows exactly what you have in the containers and make sure you obtain label approval for your samples.

The TTB in DC has confirmed that in order for the importer to import these goods as samples, they need to send a letter to the TTB desk to get permission prior to the importation.

Apparently, if the bottle size is over what has been stated, then a letter requesting the allowance of the sizes is requested to the TTB for the importation to be approved as samples.