DEPARTMENT OF THE TREASURY

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

Supporting Statement – Information Collection Requirement

OMB Control Number – 1513-0085

TTB REC 5130/5 - Principal Place of Business on Beer Labels

A. Justification.

1. What are the circumstances that make this collection of information necessary and what legal or administrative requirements necessitate the collection?

TTB regulations require the name and address of the brewer to appear on labels of kegs, bottles, and cans of domestic beer. This requirement stems from two separate laws, 26 U.S.C. 5412 and 27 U.S.C. 205(e), each of which requires the brewer's or bottler's name and address to appear on bottles and kegs of beer. The applicable regulations are 27 CFR 7.25, 25.141, 25.142, and 25.143.

If a brewer operates more than one brewery, TTB regulations give the brewer three options for showing their address: (1) The label may show the name and address of the brewery where the beer is bottled or keged. (2) The label may show the addresses of all the breweries operated by the brewer. (3) The label may show the brewer's "principal place of business" (city and State) as the address on the label. Use of either of the last two options requires the brewer to code the label, can, or keg cover to indicate the actual place of production of the beer.

This option to permit the "principal place of business" listing as the address on a beer label benefits multiplant brewers by allowing them to use an identical-universal label at all of their breweries. It relieves brewers from designing and producing new labels showing different brewery addresses every time that a brewery is built, acquired, sold, or closed. It benefits Government and industry by reducing the number of labels which are submitted for approval every year.

2. How, by whom, and for what purpose is this information used?

Identification of the brewer on beer labels is used by consumers when selecting the beer they buy. The Government uses the identity of the brewer on beer labels to verify claims for loss or destruction of beer, and to determine which brewer is responsible for a beer product in the event of product contamination or product recalls. If identification of the brewer were not required by regulation, TTB would not be fulfilling its statutory mandate.

3. To what extent does this collection of information involve the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology? What consideration is given to use information technology to reduce burden?

TTB has approved and will continue to approve, on a case-by-case basis, the use of improved information technology for the maintenance of required records.

4. What efforts are used to identify duplication? Why can't any similar information already available be used or modified for use for the purposes described in Item 2 above?

The Federal Information Locator System (FILS) Program has been terminated for agency use. However, an agency subject classification system is used to identify duplication. Similar information is not available elsewhere for this information collection requirement.

5. If this collection of information impacts small businesses or other small entities, what methods are used to minimize burden?

This collection of information is not susceptible to reduced requirements for small business.

6. What consequences to Federal program or policy activities and what, if any, technical or legal obstacles to reducing burden will occur if this collection is not conducted or is conducted less frequently?

Identifying the brewer on beer labels is required by law, 27 U.S.C. 205(e) and 26 U.S.C. 5412. There is no discretionary authority on the part of the agency to waive this requirement.

7. Are there any special circumstances associated with this information collection?

There are no special circumstances associated with this information collection.

8. What effort was made to notify the general public about this collection of information?

A 60-day notice was published in the Federal Register (72 FR 3194) on Wednesday, January 24, 2007. The notice solicited comments from the general public. TTB received no comments in response to this notice.

9. What decision was made to provide any payment or gift to respondents, other than reenumeration of contractors or grantees?

No payment or gift is associated with this collection.

10. What assurance of confidentiality was provided to respondents and what was the basis for the assurance in statute, regulations, or agency policy?

There is no confidentiality provided by a requirement to disclose to the general public the identity of the brewer through labeling.

11. What justification is there for questions of a sensitive nature?

We ask no questions of a sensitive nature.

12. What is the estimated hour burden of this collection of information?

TTB believes that brewers and bottlers of beer would identify themselves on product labels as usual and customary business practices made necessary by the demands of the marketplace. Therefore, TTB considers the records kept by respondents to be usual and customary. A manufacturer of consumer commodities could not cultivate consumer loyalty without identifying the company through labeling information. Therefore, the total annual burden is one (1) hour for all respondents. There is no period of retention prescribed for this reporting requirement since the requirement is to provide identification of the brewer through labeling.

13. What is the estimated total annual cost burden to respondents or recordkeepers resulting from this collection of information?

No cost is associated with this collection.

14. What is the annualized cost to the Federal government?

There is no cost to the Federal government for this collection of information.

15. What is the reason for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I?

There are no program changes or adjustments associated with this collection.

16. Outline plans for tabulation and publication for collections of information whose results will be published.

The results of this collection will not be published.

17. If seeking approval to not display the expiration date for OMB approval of this information collection, what are the reasons that the display would be inappropriate?

It would be inappropriate to display the expiration date for OMB approval because this request requires that an address be placed on labels. Therefore, unlike the form, there is no medium to display the expiration date.

18. What are the exceptions to the certification statement?

There are no exceptions to the certification statement.

B. Collection of Information Employing Statistical Methods

This collection does not employ statistical methods.