## CHAPTER 22

BEVERAGES, SPIRITS AND VINEGAR

## Notes

1. This chapter does not cover:
(a) Sea water (heading 2501);
(b) Distilled or conductivity water or water of similar purity (heading 2851);
(c) Acetic acid of a concentration exceeding 10 percent by weight of acetic acid (heading 2915);
(d) Medicaments of heading 3003 or 3004 ; or
(e) Perfumery or toilet preparations (chapter 33).
2. For the purposes of this chapter and of chapters 20 and 21 , the "alcoholic strength by volume" shall be determined at a temperature of $20^{\circ} \mathrm{C}$.
3. For the purposes of heading 2202 the term "nonalcoholic beverages" means beverages of an alcoholic strength by volume not exceeding 0.5 percent vol. Alcoholic beverages are classified in headings 2203 to 2206 or heading 2208 as appropriate.

## Subheading Note

1. For the purposes of subheading 2204.10 the expression "sparkling wine" means wine which, when kept at a temperature of $20^{\circ} \mathrm{C}$ in closed containers, has an excess pressure of not less than 3 bars.

## Additional U.S. Notes

1. The duties prescribed on products covered by this chapter are in addition to the internal-revenue taxes imposed under existing law or any subsequent act. The duties imposed on products covered by this chapter which are subject also to internal-revenue taxes are imposed only on the quantities subject to such taxes; except that, in the case of distilled spirits transferred to the bonded premises of a distilled spirits plant under the provisions of section 5232 of the Internal Revenue Code of 1954 , the duties are imposed on the quantity withdrawn from customs custody.
2. Dutiable quantities of alcoholic juices (including grape must) classified in heading 2204 , 2206 or 2208 shall be calculated in accordance with additional U.S. notes 1,2 and 3 in chapter 20.
3. The term "effervescent wine" means wine other than sparkling wine which contains in excess of 0.392 grams of carbon dioxide per 100 milliliters of wine.
4. Where in heading 2204, 2206, 2207 or 2208 , the rates shown in the rates of duty columns are in terms of a proof liter, proof liter shall mean a liter of liquid at $15.56^{\circ} \mathrm{C}\left(60^{\circ} \mathrm{F}\right)$ which contains 50 percent ( 100 proof) by volume of ethyl alcohol having a specific gravity of 0.7939 at $15.56^{\circ} \mathrm{C}$ ( $60^{\circ} \mathrm{F}$ ) referred to water at $15.56^{\circ} \mathrm{C}$ $\left(60^{\circ} \mathrm{F}\right)$ as unity or the alcoholic equivalent thereof.
5. Where in heading 2204, 2206, 2207 or 2208 , the rates of duty are assessed on a proof liter basis, the rates shown indicate the amount of duty which shall be collected on each liter of an imported product at 100 proof. The amount of duty which shall be collected for each liter of a product which is imported at more than or less than 100 proof shall bear the same ratio to the applicable rate of duty as the proof of the imported product bears to 100 proof.
6. The standard for determining the proof of brandy and other spirits or liquors of any kind when imported is the same as that which is defined in the laws relating to internal revenue. The Secretary of the Treasury, at his discretion, may authorize the ascertainment of the proof of wines, cordials or other liquors and fruit juices by distillation or otherwise, when it is impracticable to ascertain such proof by the means prescribed by existing law or regulations.
7. Provisions for the free entry of certain samples of alcoholic beverages are covered by subheading 9811.00 .20 of chapter 98.
8. For the purposes of heading 2209, the standard proof of vinegar is 4 percent by weight of acetic acid


## $\frac{1}{2} /$ See subheading 9904.10.60.

$\frac{1}{2} /$ See subheadings 9903.17.20 and 9903.17.25
3/ Imports under this subheading are subject to a Federal Excise Tax (26 U.S.C. 5051) of $\$ 18$ per barrel of 31 gallons and at a like rate for any other quantity or for fractional parts of a barrel.


1/ Imports under this subheading may be subject to Federal Excise Tax (26 U.S.C. 5001 and 5041) as follows:
A) If containing distilled spirits, a tax of $\$ 13.50$ per proof gallon and a proportionate tax at the like rate on all fractional parts of a proof gallon.
B) If containing wine, a tax of:
(1) $\$ 1.07$ per wine gallon on still wines containing not more than 14 percent of alcohol by volume;
(2) $\$ 1.57$ per wine gallon on still wines containing more than 14 percent and not exceeding 21 percent of alcohol
by volume;
(3) $\$ 3.15$ per wine gallon on still wines containing more than 21 percent and not exceeding 24 percent of alcohol by volume;
(4) $\$ 3.40$ per wine gallon on champagne and other sparkling wines; and
(5) $\$ 3.30$ per wine gallon on artificially carbonated wines.

2/ See subheading 9903.17.30.

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2204 Wine of fresh grapes, including fortified wines;
(con.) grape must, other than that of heading 2009
(con.)
Other wine; grape must with fermentation
prevented or arrested by the addition of
alcohol (con.) : Other (con.):
2204.29
(con.)
$2204.29 .60 \quad 00 \quad 4$
$2204.29 .80 \quad 00 \quad 0$
$2204.30 .00 \quad 004$
2205
2205.10
2205.10.30 001
$2205.10 .60 \quad 004$
2205.90
$2205.90 .20 \quad 00 \quad 6$
$2205.90 .40 \quad 002$
$2205.90 .60 \quad 00 \quad 7$

Vermouth and other wine of fresh grapes flavored with plants or aromatic substances: In containers holding 2 liters or less:

Vermouth................................. liters.. 5.5¢/liter 1/
Other.................................... liters.. 6.6ヶ/liter 1/ Other: Vermouth:

In containers each holding over
2 liters but not over 4 liters...... liters.. 5.5\%/liter 1/ Free (A, E,IL) 1/ 33¢/ 3.8¢/liter (CA) liter 1/

In containers each holding over
$\qquad$

Free (E,IL) 1/ Free (A, E, IL) 1/ 33 $/$ l 4.6ヶ/liter (CA) liter 1/

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(3) $\$ 3.15$ per wine gallon on still wines containing more than 21 percent and not exceeding 24 percent of alcohol
(4) by volume;
(4) $\$ 3.40$ per wine gallon on champagne and other sparkling wines; and
(5) $\$ 3.30$ per wine gallon on artificially carbonated wines.


1/ Imports under this subheading may be subject to Federal Excise Tax (26 U.S.C. 5001 and 5041) as follows:
(1) $\$ 1.07$ per wine gallon on still wines containing not more than 14 percent of alcohol by volume
(2) $\$ 1.57$ per wine gallon on still wines containing more than 14 percent and not exceeding 21 percent of alcohol by volume;
(3) $\$ 3.15$ per wine gallon on still wines containing more than 21 percent and not exceeding 24 percent of alcohol by volume;
(4) $\$ 3.40$ per wine gallon on champagne and other sparkling wines; and
(5) $\$ 3.30$ per wine gallon on artificially carbonated wines.

2/ Imports under this item are subject to a Federal Excise Tax ( 26 U . S. C. 5051) of $\$ 18$ per barrel of 31 gallons and at a like rate for any other quantity or for fractional parts of a barrel.
3/ Imports under this subheading may be subject to Federal Excise Taxes (26 U.S.C. 5041 and 5051) as follows:
(1) If fermented from malt, a tax of $\$ 18$ per barrel of 31 gallons, and at the like rate for any other quantity or for fractional parts of a barrel;
(2) If fermented from other than malt, a tax at the rates shown in footnote 1 above

4/ See subheading 9903.23.25
5/ Imports under this subheading may be subject to a Federal Excise Tax ( 26 U.S.C. 5001) of $\$ 13.50$ per proof gallon and a proportionate tax at the like rate on all fractional parts of a proof gallon.
6/ For ethyl alcohol, see subheading 9901.00.50.


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B) If containing wine, a tax of-
(1) \(\$ 1.07\) per wine gallon on still wines containing not more than 14 percent of alcohol by volume;
(2) \(\$ 1.57\) per wine gallon on still wines containing more than 14 percent and not exceeding 21 percent of alcohol
by volume;
(3) \(\$ 3.15\) per wine gallon on still wines containing more than 21 percent and not exceeding 24 percent of alcohol by volume;
(4) \(\$ 3.40\) per wine gallon on champagne and other sparkling wines; and
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2/ Imports under this subheading may be subject to Federal Excise Taxes (26 U.S.C. 5041 and 5051) as follows:
(l) If fermented from malt, a tax of \(\$ 18\) per barrel of 31 gallons, and at the like rate for any other quantity or for fractional parts of a barrel.
(2) If fermented from other than malt, a tax at the rates shown in footnote 1 above
3/ Imports under this subheading may be subject to a Federal Excise Tax (26 U.S.C. 5001 ) of \(\$ 13.50\) per proof gallon and a proportionate tax at the like rate on all fractional parts of a proof gallon
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1/ Imports under this subheading may be subject to a Federal Excise Tax (26 U.S.C. 5001) of \$13.50 per proof gallon and a proportionate tax at the like rate on all fractional parts of a proof gallon.


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