



# **KANSAS ADMINISTRATIVE REGULATIONS**

**Agency 14 - Division of Alcoholic Beverage Control**

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## Article 6 - CONTAINERS AND LABELS

(Last amended in 1990)

**14-6-1. Containers, nature and form; change of original containers or labels.** (a)(1) Each original package of alcoholic liquor or cereal malt beverage sold or offered for sale in this state shall be constructed of such material and be in such form as has been generally founded by the industry and recognized by federal and state enforcement officers to be safe, sanitary, and in no manner prejudicial to the health or interest of the public.

(2) All original packages of alcoholic liquor shall, before being offered for sale or sold, be approved by the director as to nature and form. Each manufacturer or corporate subsidiary of any manufacturer who markets the manufacturer's products through a subsidiary, each rectifier, distiller, and fermenter and each distributor of alcoholic liquor bottled in foreign countries shall submit an approved copy of the federal label approval form for each container offered for sale in this state.

(3) Each manufacturer or corporate subsidiary of a manufacturer who markets the manufacturer's products through a subsidiary, each rectifier, distiller, and fermenter, and each distributor of alcoholic liquor bottled in foreign countries, wishing to offer alcoholic liquor for sale in this state shall, upon requesting authority to do so, furnish a copy of the price list containing the information required by K.A.R. 14-14-10.

(4) After a container has been approved as to nature and form for sale in Kansas, further approval shall not be required.

(5) Each item shall be approved prior to posting it on the first of any month. No new container embodying changes as to nature and form for the same brand or kind of merchandise shall be sold or offered for sale until an approved copy of the federal label approval form has been submitted to the director.

(6) Imported containers embodying substantially the same brand, type and age of alcoholic liquor as that offered domestically by the same manufacturer or supplier, or a subsidiary of same, may be approved for sale in Kansas by the director.

(7) A container shall not be approved for sale in this state which, because of its design, composition or form, is obscene material.

(b) Whenever any original package of alcoholic liquor which has been approved as provided by subsection (a) of this regulation is changed by different labeling, closure, container, age or proof or changed in any other respect which, in the opinion of the director, constitutes a significant package change, the following procedures shall be followed:

(1) The new package, which reflects the change or changes, shall, before being offered for sale or sold, be approved by the director as to nature and form and shall be subject to all other provisions of subsection (a) of this regulation.

(2) To insure the orderly depletion of old packages in the inventories of licensed distributors, the manufacturer or supplier, subject to approval by the director, may redistribute at the expense of the manufacturer or supplier, among licensed distributors, the remaining stocks of the old packages prior to the release of the new packages. All inventories of the old package in the hands of the distributors shall be depleted before the new package may be offered for sale.

(Authorized by K.S.A. 1989 Supp. 41-210, implementing K.S.A. 41-211; effective Jan. , 1966; amended Jan. 1, 1969; amended Jan. 1, 1970; amended Jan. 1, 1971; amended, E-80-28, Dec. 12, 1979; amended May 1, 1980; amended Oct. 1, 1988, amended Aug. 6, 1990.)

**14-6-2.** (Authorized by K.S.A. 41-210, 41-211, 41-1117; implementing K.S.A 41-211; effective Jan. 1, 1966; amended Jan. 1, 1967; amended Jan. 1, 1968; amended Jan. 1, 1972; amended May 1,

1975; amended Feb. 15, 1977; amended, E-80-28, Dec. 12, 1979; amended May 1, 1980; amended May 1, 1982; revoked May 1, 1983.)

**14-6-2a. Capacities of containers.** Alcoholic liquor may be sold or offered for retail sale in this state in original containers of the following capacities: (a) Beer: 6.5, 7, 8, 10, 11, 11.2, 11.5, 12, 15, 16, 17, 21.4, 24, 25.6 or 40 fluid ounces; 1 quart; 1/2 gallon; 2 liters; 1 gallon; 5 liters; 2 1/2 gallons (tapper); 1/8 barrel (3 7/8 gallons); 1/6 barrel (5 1/6 gallons); 1/4 barrel (7 3/4 gallons); 1/2 barrel (15 1/2 gallons); or 1 barrel (31 gallons).

(b) Wines: 222 milliliters or, 207 milliliters or 187 milliliters; 250 milliliters; 4/5 pint or 375 milliliters; 1 pint (imports only); 14.4 ounces or 500 milliliters; 4/5 quart or 750 milliliters; 1 quart or 1 liter; 1/2 gallon; 2/5 gallon or 1.5 liter; 1 gallon or 3 liters; or 4 liters through 19 liters. Any brand or type of wine may be permitted in 2/5 gallon or 1.5 liters; 1 gallon or 3 liters; 4 liters through 19 liters; 7.75 gallons; 30 liters; 15.5 gallons; or 60 liters, if they are measured in full liter quantities. Aperitif wine, including vermouth, may be sold or offered for retail sale in this state in original containers having a capacity of 15/16 quart, if the gallonage tax is paid at the full quart rate per bottle.

(c) Alcoholic liquor other than beer and wine: 1/2 pint or 187 milliliters or 200 milliliters; 1/10 gallon or 375 milliliters; 1 pint or 14.4 ounces or 500 milliliters; 4/5 quart or 750 milliliters; 1 quart or 1 liter; 1/2 gallon or 1.75 liter; or 1 gallon.

(1) Domestic whiskey, including bonded bourbon, bonded rye, straight bourbon, straight rye, all blends of neutral spirits, corn whiskey, alcohol, domestic and imported gin, vodka, tequila, and Canadian imported whiskey shall not be offered for sale in containers of 1/10 gallon.

(2) Domestic brandies, prepared cocktails, rum, American cordials, liqueurs and specialties, flavored gin, flavored vodka, flavored whiskey, and scotch whiskey shall not be offered for sale in containers of 1 pint size, but may be offered in containers of 500 milliliters size.

(3) Any brand or type of merchandise, except as restricted in paragraphs (1) and (2) of this subsection (c) may be permitted in any one of the following: 1/10 gallon, 375 milliliter, 1 pint, or 500 milliliters size.

(d) For tax approval purposes on containers offered for sale, a variance in content may be permitted within 2 fluid ounces or 59.14 milliliters from the approved sizes in subsections (a) through (c).

(1) Each supplier of spirits authorized to do business in the state of Kansas may post for sale both a 375 ml size container and a 500 ml size container for a particular product. Once a supplier of spirits ships to Kansas an item in a 375 ml container, that supplier is prohibited from shipping a 500 ml container of that same item to a licensed Kansas distributor.

(2) Each licensed Kansas distributor shall, upon receipt of a particular item in the 375ml size containers, first deplete their inventories of 500 ml size containers of that particular item. Upon depletion of a distributor's stock of 500 ml size containers, the distributor may introduce the 375ml size containers of that particular item into the distributor's franchise territory.

(3) Upon the filing of an affidavit by the supplier that the supplier has discontinued the distribution and sale of 375 ml containers for an item in the state of Kansas, the supplier, with authorization of the director and under conditions the director deems necessary to maintain an orderly market, may report and ship 500 ml containers to licensed Kansas distributors.

(e) Alcoholic liquor may be sold or offered for retail sale in this state in original containers of capacities other than those specified in subsection (a) through (c) inclusive only upon written approval from the director.

(1) Upon receipt of a request to approve a new container size, licensees and other interested parties shall be notified by the director that a request has been received, and that the request will be acted upon within 30 days after the date that public notice is given. The notice shall further state that any licensee or other interested party may submit written comments to the director either in favor of or opposed to an approval of the proposed size during the 30 day period. All comments submitted prior to approving or disapproving any new size shall be considered. Any party requesting approval for a new

size, or any party that submitted written comments on a requested approval for a new size, who is aggrieved by the decision of the director may appeal the decision through the appeal procedure set forth in K.A.R. 14-16-14 et. seq.

(Authorized by K.S.A. 1987 Supp. 41-210; implementing K.S.A. 41-211, and K.S.A. 41-1119; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended Sept. 26, 1988.)

**14-6-3. Labels on containers of alcoholic liquor except beer.** Each original package of alcoholic liquor, except beer, offered for sale in this state shall bear a label setting forth in plain and legible print, in the English language:

- (a) The quantity of liquor in the original package;
  - (b) the class and type of liquor together with the alcoholic content;
  - (c) the name of the importer or manufacturer. If the name of the importer on the label and on the federal, approved label is not the same as the supplier wanting to post the brand or item, a letter of authority or other documentation from the importer shall be submitted; and
  - (d) the percentage of all ingredients contained in liquor that is a blended product (except wine).
- However, if any of the provisions of this regulation are contrary to or in violation of regulations promulgated by the bureau of alcohol, tobacco and firearms of the United States treasury, the federal regulation shall be followed in all labeling of alcoholic liquor sold or offered for sale in the state of Kansas.

(Authorized by K.S.A. 1987 Supp. 41-210; K.S.A. 41-211; implementing K.S.A. 41-211, 41-706; effective Jan. 1, 1966; amended May 1, 1987; amended Sept. 26, 1988.)

**14-6-4. Labels on containers of beer and cereal malt beverage.** (a) Each original package of beer and cereal malt beverage offered for sale in this state shall bear a label setting forth in plain and legible print in the English language, and in the manner permitted by federal laws and regulations with respect to the labeling of beer:

- (1) The word "beer" or "ale" or the name listed in subsection (c) of K.S.A. 1989 Supp. 41-102;
  - (2) The number of fluid ounces contained therein;
  - (3) The name of the beer or cereal malt beverage manufacturer or importer. If the name of the importer on the label and on the federal, approved label is not the same as the supplier wanting to post the brand or item, a letter of authority or other documentation from the importer shall be submitted;
  - (4) A statement that the contents contain no more than 3.2% alcohol by weight; except that any kind or brand of cereal malt beverage that contains less than 1/2 of 1% of alcohol by volume, may show a statement that the contents contain less than 0.5% alcohol by volume; and
  - (5) Any additional information required by other laws and regulations.
- (b) Prior to the shipment of any beer into the state, each label shall be submitted in duplicate to the director, accompanied by a federal label approval form when applicable.

(Authorized by K.S.A. 41-211; implementing K.S.A. 41-211, 41-706; effective Jan. 1, 1966; amended May 1, 1985; amended Oct. 1, 1988; amended Aug. 6, 1990.)

**14-6-5. Labels, false representations prohibited.** No label on any original package of alcoholic liquor shall contain any false or misleading representations.

(Authorized by K.S.A. 41-209, 41-211, 41-706, K.S.A. 1965 Supp. 41-210; effective Jan. 1, 1966.)

**14-6-6. Private labels, requirements for use of.** A licensed distributor may be authorized to bottle, label and sell to licensed retailers, under labels owned by the distributor, alcoholic liquors except beer purchased in bulk by class or type providing such liquors are labeled in accordance with the following:

(1) Before a distributor shall offer for sale or sell such liquor, said distributor shall submit an application, verified positively, for approval of each label to be used in the bottling of alcoholic liquors purchased by class or type.

(2) Said application shall consist of the following:

(a) Ownership. The application shall include a statement that the label, including brand name, designs, pictures, slogans and descriptive phraseology, is the exclusive property of the applicant. If the label or any component part thereof has been used previously, full particulars relating to said use shall be given including prior users, where used, and how said label or part thereof was acquired.

(b) Copyright or trademark. If said label or any brand name, design, picture, slogan or phraseology has been the subject of a copyright, patent or trademark under the laws of the United States or the various states, the application shall show where and by whom such action was taken with dates and identifying numbers being given.

(c) Acquisition of label. A statement shall be included stating that the label was created and designed by the distributor or setting out from whom said label including brand name, designs, pictures, slogans or phraseology was secured. Copies of contracts or agreements relating to the acquisition of said label and relating to the bottling of said liquors shall be attached. If said contracts or agreements are implemented by letters of intent, oral or other commitments, copies of all instruments with a statement of the details of oral commitments shall be attached.

(d) Resemblance to other labels. A statement shall be included that the proposed label including brand name, designs, pictures, slogans and phraseology bears no resemblance in any material manner to any label now used by any person, association or corporation in this or another state in the knowledge and belief of the applicant.

(e) Submission of copies. Two copies of each front and back label, neck label and any other design, picture, slogan or descriptive phraseology which shall be attached to the container shall be submitted with the application, with a photostatic or certified copy of the formal certificate of label approval issued by the United States government.

(3) All labels to be affixed to alcoholic liquors for bottling and labeling pursuant to this regulation shall include thereon the statement, "distilled and bottled by" or "bottled by" as the case may be, followed by the name of the person, association or corporation first offering said alcoholic liquors for sale in Kansas to licensed distributors for bottling under labels owned by a distributor.

(4) On receipt of the foregoing, the director shall approve or disapprove said label. Additional information may be required in support of the application. If after approval, the label is changed, a new application shall be submitted.

(5) If it shall appear that the information upon which approval was given is incorrect or that a label exists resembling the approved label in a material feature, an inquiry shall be made and approval of the label may be withdrawn if the facts warrant. Misrepresentation, withholding of information, or fraud shall be cause for the issuance of a citation for the purpose of suspension or revocation of the applicant's license.

(Authorized by K.S.A. 41-211, 41-306, 41-1101, K.S.A. 1965 Supp. 41-210; effective Jan. 1, 1966.)