

ANNOUNCEMENTS — VI

Announcement 2001- 1

Major Disaster Areas Proclaimed by the President

The President has determined that certain areas of the United States were adversely affected by disasters of sufficient magnitude to warrant Federal assistance under the Disaster Relief Act of 1974. The specific areas adversely affected as identified by the Administrator, Federal Emergency Management Agency (FEMA) are listed below.

Persons in the affected areas holding for sale alcoholic beverages, cigars, cigarettes, or cigarette papers or tubes, which were lost, rendered unmarketable, or condemned by a duly authorized official by reason of these disasters, may be paid an amount equal to the internal revenue taxes and customs duties paid on such products, as provided in 26 U.S.C. 564 and 5708. Claims for such payments should be filed with the Director of Industry Operations, Bureau of Alcohol, Tobacco and Firearms, for the ATF district in which the alcoholic beverages, cigarettes, etc., were held for sale. Claims may be allowed only if filed within six months after the date the FEMA identifies the specific disaster area.

ARKANSAS 1354

Type of Disaster:

Counties:

December 29, 2000

Severe winter ice storm

Arkansas, Baxter, Benton, Boone, Bradley, Calhoun, Clark, Cleburne, Cleveland, Columbia, Conway, Crawford, Crittenden, Cross, Dallas, Desha, Drew, Faulkner, Franklin, Garland, Grant, Hempstead, Hot Spring, Howard, IZard, Jackson, Jefferson, Johnson, Lafayette, Lee, Lincoln, Little River, Logan, Lonoke, Madison, Miller, Mississippi, Monroe, Montgomery, Newton, Nevada, Ouachita, Perry, Pike, Poinsett, Polk, Pope, Prairie, Pulaski, Saline, Scott, Searcy, Sebastian, Sevier, Sharp, St. Francis, Union, Van Buren, Washington, White, Woodruff and Yell

NORTH DAKOTA 1353

Type of Disaster:

Counties:

December 29, 2000

Severe winter storms and tornadoes

Benson, Bowman, Cavalier, Divide, Golden Valley, McKenzie, Ramsey, Towner and Williams

ALABAMA 1352

Type of Disaster:

Counties:

December 18, 2000

Severe storms and tornadoes

Dale, Etowah, Geneva, Henry, Houston, Limestone, Macon, St. Clair and Tuscaloosa

WYOMING 1351

Type of Disaster:

December 13, 2000

Severe winter storms

Counties:	Crook, Goshen, Platte and Weston
LOUISIANA 1357	January 12, 2001
Type of Disaster:	Severe winter ice storm
Counties:	Bienville, Bossier, Caddo, Claiborne, Lincoln, Ouachita, Union and Webster
TEXAS 1356	January 8, 2001
Type of Disaster:	Severe winter storm
Counties:	Borden, Bowie, Briscoe, Carson, Cass, Cherokee, Cooke, Crosby, Dawson, Delta, Gains, Garza, Gray, Gregg, Grayson, Fannin, Floyd, Franklin, Harrison, Hopkins, Hunt, Lamar, Lynn, Marion, Montague, Morris, Nacogdoches, Panola, Rains, Red River, Rusk, San Augustine, Shelby, Smith, Titus, Upshur and Wood
VERMONT 1358	January 18, 2001
Type of Disaster:	Severe storms and flooding
Counties:	Bennington and Rutland
FLORIDA 1359	February 5, 2001
Type of Disaster:	Severe freeze
Counties:	Alachua, Baker, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Columbia, Dixie, Miami-Dade, DeSoto, Duval, Flagler, Gilchrist, Glades, Hamilton, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lafayette, Lake, Lee, Levy, Manatee, Marion, Martin, Monroe, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, Sarasota, Seminole, St. Johns, St. Lucie, Suwannee, Sumter, Union and Volusia

Amendments to Previously Declared Disasters

ILLINOIS 3161	Amendment
Counties:	Henderson, La Salle, Menard, Ogle, and Peoria
MONTANA 1350	Amendment
County:	McCone
OKLAHOMA 1355	Amendment
Counties:	Adair, Atoka, Beckham, Blaine, Bryan, Caddo, Canadian, Carter, Cherokee, Choctaw, Cleveland,

Coal, Comanche, Cotton, Craig, Creek, Custer, Delaware, Garfield, Garvin, Grady, Greer, Harmon, Haskell, Hughes, Jackson, Jefferson, Johnston, Kingfisher, Kiowa, Latimer, LeFlore, Lincoln, Logan, Love, Marshall, Mayes, McClain, McCurtain, McIntosh, Murray, Muskogee, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, Roger Mills, Rogers, Seminole, Sequoyah, Stephens, Tulsa, Tillman, Wagoner, Washington and Washita

Announcement 2001- 2

Sale of Certain Tobacco Products and Cigarette Papers and Tubes on or After February 7, 2001

On December 22, 2000, the Director signed Industry Circular 2000-4. It reads as follows:

TO: Importers of Tobacco Products, Manufacturers of Tobacco Products or Cigarette Papers or Tubes, and others concerned.

Purpose. This industry circular warns businesses about selling or holding for sale tobacco products and cigarette papers or tubes manufactured in the United States and labeled for exportation. On or after February 7, 2001, if you sell or hold for sale such products for domestic consumption, you may incur civil and criminal penalties.

New Law. A new law takes effect on February 7, 2001. This new law prohibits in the United States the sale or holding for sale for domestic consumption of tobacco products and cigarette papers or tubes manufactured in the United States and labeled for exportation under chapter 52 of the Internal Revenue Code of 1986, as amended (IRC). The new law is Section 4002 of Title IV of P.L. 106-476, Imported Cigarette Compliance Act of 2000.

1. What are tobacco products? Tobacco products are defined as cigarettes, cigars, smokeless tobacco, pipe tobacco, and roll-your-own tobacco.
2. Do I have tobacco products or cigarette papers or tubes manufactured in the United States and labeled for exportation? Look at the package of the tobacco products or cigarette papers or tubes. The package is the container that the manufacturer puts up for delivery to the consumer.
 - (a) Is there a label or notice with the words “Tax-exempt. For use outside the U.S.”, “U.S. Tax-exempt. For use outside U.S.” or “For Export With Drawback of Tax.”?

(b) Is there a stamp, sticker or notice of a foreign country or U.S. possession that identifies such foreign country or U.S. possession?

If you answer **yes** to question (a) or (b), then you have a package that has been labeled for exportation. Next, find out if the package has a mark about the manufacturer.

(c) Is there a mark indicating the name of the manufacturer, the city and State in the United States (50 States and the District of Columbia) or a “TP” code? A TP code begins with the letters TP and then followed by the postal abbreviation for the State or District of Columbia and a number. For example, TP-DC-1.

If you answer **yes** to question (c), the tobacco product or cigarette papers or tubes have been very likely manufactured in the United States.

3. What if I cannot find the mark of the manufacturer (see 2c. above) indicating the place of the manufacturer? Look for a statement on the package, including stickers, that state where the product was manufactured. If it states a place in the United States (50 States and the District of Columbia), the tobacco product or cigarette paper or tubes is very likely to have been manufactured in the United States.

4. What are the Federal penalties for selling tobacco products or cigarette papers or tubes that have been manufactured and labeled for exportation in the United States? Civil and criminal penalties may be imposed. The civil penalty is at least \$1,000, and the tobacco products and cigarette papers and tubes are subject to forfeiture to the United States. A larger civil penalty may be imposed if the amount of Federal excise tax on the tobacco products and cigarette papers or tubes is greater than \$200. Additional taxes, criminal penalties and forfeiture of other property may be imposed by the IRC. In addition, State law may also impose penalties if you sell or hold for sale such products. We suggest that you contact the appropriate State agency that administers taxes on such products.

5. Does this change the advice given in the answer for question 3 of ATF Industry Circular 2000-1? Yes. In question 3 of ATF Industry Circular 2000-1, you could sell or hold for sale previously exported tobacco products or cigarette papers or tubes that were lawfully entered into the United States before January 1, 2000. The new law (Title IV of the Cigarette Compliance Act of 2000) prohibits selling or holding for sale tobacco products or cigarette papers or tubes for domestic consumption, which have been manufactured and labeled for exportation in the United States.

Questions. Ask the Regulations Division, Room 5003, ATF, Washington, DC 20226 (202-927-8210). Also, you may send an e-mail to alctob@atfhq.atf.treas.gov.

Bradley A. Buckles,
Director

Announcement 2001- 3

OFFERS IN COMPROMISE

<i>Company/Individual Location</i>	<i>Amount</i>	<i>Alleged Violations</i>
Central Coast Wine Co., dba The Henry Wine Group Benicia, CA	\$ 15,000	Importation and removal of Italian wine and distilled spirits from U.S. Custom's custody without obtaining an approved certificate of label approval (COLA) and no government warning statement on the label.
Miller Brewing Co. Milwaukee, WS	\$ 110,000	Failing to accurately record production and removal of beer, as evidenced by recurring inventory overages and shortages; and failing to provide sufficient evidence of exportation.