



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

SEP 12 2008

Ms. Christy Larimore  
Manager, International Logistics  
Brown-Forman Corporation  
850 Dixie Highway  
Louisville, KY 40210

Ref. No.: 08-0212

Dear Ms. Larimore:

This responds to your August 22, 2008 request for clarification on the exception for alcoholic beverages in §173.150(d) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You reference a previous letter of interpretation Ref. No. 99-0049, dated March 29, 1999. Specifically, you ask if this exception applies to shipments of alcoholic beverages by aircraft.

Section 173.150(d) excepts an alcoholic beverage from the HMR if it: (1) contains 24% or less alcohol by volume; (2) is in an inner packaging of 5 L (1.3 gallons) or less, and for transportation on passenger-carrying aircraft, it conforms to §175.10(a)(4) of the HMR as checked or carry-on baggage; and (3) is a Packing Group III alcoholic beverage in a packaging of 250 L (66 gallons) or less, unless transported by air.

Alcoholic beverages carried by aircraft passengers or crewmembers are excepted from the HMR if the alcoholic beverages contain 24% or less alcohol by volume. Passengers or crewmembers may carry alcoholic beverages that contain more than 24% alcohol by volume and not more than 70% when in unopened retail packagings not exceeding 5 L (1.3 gallons) carried in carry-on or checked baggage; the total net quantity per person may not exceed 5 L (1.3 gallons) for such beverages. See §175.10(a)(4).

I hope this answers your inquiry.

Sincerely,

Susan Gorsky  
Acting Chief, Standards Development  
Office of Hazardous Materials Standards

**Drakeford, Carolyn <PHMSA>**

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**From:** INFOCNTR <PHMSA>  
**Sent:** Friday, August 22, 2008 2:27 PM  
**To:** Drakeford, Carolyn <PHMSA>  
**Subject:** FW: Information Center Comments/Questions

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\$173.150  
Exceptions  
08-0212

-----Original Message-----

From: Christy\_Larimore@b-f.com [mailto:Christy\_Larimore@b-f.com]  
Sent: Wednesday, July 30, 2008 5:59 PM  
To: INFOCNTR <PHMSA>  
Subject: Information Center Comments/Questions

Completed by RF 7/31/2008 at 11:59am (Left Voicemail)

Below is the result of your feedback form. It was submitted by Christy Larimore (Christy\_Larimore@b-f.com) on Wednesday, July 30, 2008 at 17:58:47.

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Email: Christy\_Larimore@b-f.com

Name: Christy Larimore

Category: Interpretations (Letters) issued by PHMSA

Organization: Brown-Forman

Street: 850 Dixie Highway

City: Louisville

State: Kentucky

Zip Code: 40210

Phone: 502 774 7022

Comments: In reference to PHMSA Interpretation #99-0049 on 3/29/99, regarding alcoholic beverage shipments not subject to HMR, if shipped in an inner packaging of five liters or less would not be subject to shipping papers, marking, labeling, placarding or packaging requirements of the HMR.

Does this also apply to the same alcoholic beverage shipments shipped via air on cargo or passenger planes under DOT regulations. IATA regulations are not restricted but I need the interpretation of the DOT regulations for air shipments.

Thank you for your assistance.

Best Regards,

Christy Larimore  
Mgr.International Logistics  
Brown-Forman Corporation