

February 28, 2024

Oral Testimony for the Alcohol and Tobacco Tax and Trade Bureau (TTB) Virtual Public Listening Sessions on Labeling and Advertising of Wine, Distilled Spirits, and Malt Beverages with Alcohol Content, Nutritional Information, Major Food Allergens, and Ingredients

My name is Eva Greenthal and I'm representing the Center for Science in the Public Interest, a non-profit consumer advocacy group with a half century of experience advocating for policies that leverage transparent food labeling to support public health.

As FARE clearly conveyed in their comments just before mine, it's long past time for TTB to improve alcohol labeling.

CSPI first petitioned TTB to issue rulemakings for mandatory alcohol content, nutrition, ingredient, and allergen labeling in 2003. After we sued TTB for letting 19 years pass without responding to our citizen petition, in November 2022 TTB sent a letter to CSPI and our co-plaintiffs in which the agency finally committed to issuing mandatory labeling rules and said it expected to issue them "within the next year." Today, fifteen months later, there are no rulemakings in sight. TTB should have initiated these listening sessions back in 2022, if at all. Now, these eleventh-hour hearings will have the effect of further delaying the regulations. Nevertheless, we will use this opportunity to emphasize the importance of mandatory, comprehensive, on-package labeling, and urge the TTB to take action without further delay.

TTB is requesting information on the extent to which businesses selling alcoholic beverages are already following voluntary alcohol content, nutrition, and allergen labeling guidelines. CSPI conducted a study of labels from the top wine and beer brands that were approved in TTB's COLA database in 2021 and found that just 28% of beers had the full voluntary Serving Facts label and 2% had the voluntary Alcohol Facts label. An additional 35% of beers had a Statement of Average Analysis, but almost half of these were required to have this because they made calorie or carb claims, and are therefore not reflective of voluntary compliance. Only 17% of beers had what appeared to be complete ingredients lists and 6% had voluntary statements about the presence of specific ingredients or allergens, including wheat, shellfish, and gluten.

Meanwhile, only one wine product had a statement of average analysis and not a single one had serving facts, alcohol facts, or ingredients lists. Just one wine had a voluntary statement about the presence of a specific ingredient or allergen, which was milk casein.

The abysmal uptake of voluntary labeling underscores the urgent need for a mandatory policy.

Next, TTB is also requesting ideas for alternative ways of providing information to consumers, such as using a QR code or web address on the label. CSPI implores TTB to require critical information like alcohol content, calories, complete ingredients lists, and major allergen disclosures on the physical beverage container, just as FDA requires this same information on the immediate containers of FDA-regulated beverages. We strongly oppose the idea of allowing companies to place barriers between consumers and health and safety-related product information.

If all food and beverage products provided crucial product information only through a QR code or web address, this would impose an unreasonable burden on consumers, particularly low-income, rural, and older consumers. Accessing QR codes requires a smartphone, which not all consumers have, and Internet access, which not all stores and drinking venues provide. Electronic disclosures would place a particularly onerous burden on people with food allergies, who would have to spend hours scanning every item in the grocery store to assess its safety. Fortunately, this isn't how nutrition, ingredient, and allergen labeling works for non-alcoholic beverages and foods. And alcoholic beverages should not be an exception.

Making it difficult to access nutrition information such as calories per serving would be out of step with other modern nutrition labeling policies which aim to make calories more, not less, accessible. In 2014, FDA began requiring prominent calorie disclosures on chain restaurant menus, and in 2016, FDA announced changes to the Nutrition Facts Label including a requirement to put calories in larger font.

When USDA's proposed rule on Bioengineered Food Disclosures allowed companies the option of electronic disclosure, USDA received approximately 14,000 comments, the majority of which did not support the use of electronic disclosure in lieu of on-package labeling. USDA only provided this option because it was required by statute. TTB has authority to require on-package labeling and should do so.

CSPI urges TTB to prioritize transparency and health over corporate interests as it drafts its rulemakings, and to delay no further in issuing proposed rules on mandatory alcohol content, nutrition, ingredient, and allergen labeling.

Thank you.