



Consumer Federation of America

December 18, 2007

Director
Regulations and Rulings Division
Alcohol and Tobacco Tax and Trade Bureau
PO Box 14412
Washington, DC 20044-4412

Re: Notice No. 73

The Consumer Federation of America appreciates the opportunity to comment regarding the Alcohol and Tobacco Tax and Trade Bureau's (TTB) proposed rule on labeling and advertising of wines, distilled spirits and malt beverages (Docket No. TTB-2007-0062).

Consumer Federation of America (CFA) is a nonprofit association of 300 local, state and national consumer interest groups representing more than 50 million Americans. CFA was established in 1968 to advance the consumer interest through research, education and advocacy. CFA joined in the December 16, 2003 petition submitted by the National Consumers League and the Center for Science in the Public Interest calling for a mandatory "Alcohol Facts" panel on labels of alcohol beverages.

CFA supports the proposed rule, but we were shocked that the proposed Serving Facts panel would not include any information about alcohol. In the July 2007 Federal Register notice announcing its proposal, TTB plainly states "the alcohol content of a beverage is one of the most important pieces of information about that product." We agree and think that the main purpose of the Serving Facts panel should be to provide consumers with useful information about alcohol content. This should include all of the information that consumers need to follow government recommendations about alcohol consumption, including the *Dietary Guidelines* advice on moderate drinking.

Serving Facts Panel Information

CFA supports the TTB's proposal to require a mandatory "Serving Facts" panel on all alcohol beverages. CFA strongly supports making this information mandatory to ensure that consumers are provided with consistent and standardized information about the alcohol beverages they may consume. A voluntary system would allow some manufacturers to avoid providing this information, which would not effectively serve this interest. Instead, all alcohol beverages should be required to carry this information.

As detailed in the 2003 petition and emphasized in the proposed rule, the Serving Facts panel should include:

- The serving size in fluid ounces (*e.g.*, 12 fl oz for beer, 5 fl oz for wine, and 1.5 fl oz for distilled spirits);
- The number of servings per container;
- The number of calories per serving; and
- The number, in grams per serving, of carbohydrates, fat and protein.

These elements are basic to providing consumers with important and relevant information about the alcohol beverages they may consume. However, this information alone is insufficient. CFA believes that the Serving Facts panel should also include the following information:

- The definition of a “standard drink”;
- The number of standard drinks per serving;
- The *Dietary Guidelines*’ advice on moderate drinking (*i.e.*, U.S. *Dietary Guidelines* advise moderate drinking: no more than 2 drink per day for men, 1 drink per day for women);¹
- The percentage alcohol by volume; and
- The amount of alcohol (in fl oz) per serving.

This additional information is essential, because consumers need to be able to determine from the label how much alcohol they are consuming, both the amount of alcohol and the number of standard drinks. The definition of a “standard drink” is recognized throughout the federal government and public health community and should not be controversial.² This is also how most consumers talk about alcohol consumption in everyday speech – in terms of number of “drinks.” In the preamble to its proposed rule, TTB appears to be unfamiliar with the concept of a “standard drink.” This is incredible. The *Dietary Guidelines*, issued by the Departments of Agriculture and Health and Human Services, has for many years used standard drinks to convey advice on moderate drinking. The Food and Drug Administration uses standard drinks when it warns consumers who have 3 or more drinks every day to consult a physician before taking aspirin, acetaminophen, and other over-the-counter painkillers.³ Thus, keeping standard drink information off of alcohol beverage labels undermines important public health messages.

The *Dietary Guidelines*’ advice on moderate drinking is phrased in terms of number of drinks per day (*i.e.*, no more than two for men, one for women). The inclusion of this advice on the beverage container itself can provide a health and safety context within

¹ U.S. Department of Agriculture (USDA) and Department of Health and Human Services (HHS), *Dietary Guidelines for Americans* 2005, 6th edition, p. 44.

² The *Dietary Guidelines* published by USDA and HHS state: “Twelve fluid ounces of regular beer, 5 fluid ounces of wine, or 1.5 fluid ounces of 80-proof distilled spirits count as one drink...” *Id.* The Centers for Disease Control and Prevention (CDC) uses the same definition. See CDC, Questions and Answers on Alcohol Consumption, available at <http://www.cdc.gov/alcohol/faqs/htm>.

³ 21 C.F.R. 201.322(a)(1). See also 63 Fed. Reg. 58769, 56796 (Oct. 23, 1998).

which consumers can monitor their alcohol consumption. However, this advice is of little value if consumers have no idea what a “drink” is or cannot relate the definition to the beverage they are consuming. Therefore, it is important that labels of alcohol beverages provide sufficient information for consumers to count the number of standard drinks they are consuming.

The percent alcohol by volume is already required for distilled spirits, but not for many wines or malt beverages. This information should be provided for all alcohol beverages so that consumers are able to compare the alcohol concentration of different products across and within beverage categories. For consumers who prefer to measure alcohol in fluid ounces, this information should also be provided.

Altogether, this information would enable the consumer to determine the number of drinks per serving and per container, as well as the absolute amount of alcohol per serving and per container. This information should be included in the Serving Facts label so that all the information consumers would use is in one place. Spreading information out in several places on the label decreases the likelihood that consumers will notice or read it; thereby also decreasing the effectiveness of the Serving Facts label for consumers.

Given the many public health problems caused by excessive consumption of alcohol, providing consumers better label information about alcohol content is critical. Comprehensive information can help consumers make responsible drinking decisions and would help them follow the *Dietary Guidelines’* advice on moderate alcohol consumption. Potential benefits include reduced alcohol abuse, reduced drunk driving, and a reduction in the many diseases attributable to excessive alcohol intake.

Placement of Serving Facts Panel

In order for the Serving Facts panel to be effective, its placement on alcohol beverage containers is important. Consumers have become accustomed to using the Nutrition Facts panel that FDA requires for food products. A similar panel for alcohol beverages should provide instant recognition and ease of use for consumers.

CFA supports the presentation of the Serving Facts panel in a horizontal or vertical format for all products. For containers that are 50 milliliters or smaller on which panel placement would be illegible, listing Serving Facts information in a linear fashion is acceptable. However, this liner display should not be permitted on containers that are larger than 50 milliliters. When information is presented in a liner fashion, it is more difficult for consumers to read and utilize. Providing this information in an organized graphic like a Serving Facts panel is the ideal method and should be utilized for all containers larger than 50 milliliters.

In conclusion, CFA urges TTB to reconsider the information to be required in the Serving Facts panel. We believe there are persuasive public health reasons why the Serving Facts label must include the alcohol information discussed in these comments.

Respectfully submitted,

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