Dear Representative:

We write to share our serious concern that the National Uniformity for Food Act of 2005 (H.R. 4167) threatens state and local efforts to prevent fetal alcohol syndrome, the nation’s leading known preventable cause of mental retardation and other alcohol-related birth defects.

Based on our reading of the bill, and the FDA’s shared jurisdiction over alcohol labeling and advertising issues with the Alcohol and Tobacco Tax and Trade Bureau, we are very concerned that the bill may be construed to pre-empt or nullify state and local laws requiring warning signs about the risks of drinking during pregnancy at the point of sale, including bars and restaurants. California’s Proposition 65 and laws in 18 other states and the District of Columbia provide for such warning signs where alcohol is sold and served.

Out of concern for the continued unacceptable prevalence of costly and disabling fetal alcohol spectrum disorders, the U.S. Surgeon General a year ago issued an updated public health advisory urging women who are pregnant or who may become pregnant to abstain from alcohol. Recent data indicate that significant numbers of women continue to drink during pregnancy, many in a high-risk manner that places the fetus at risk for a broad range of problems arising from prenatal alcohol exposure including fetal alcohol syndrome. For example, data suggest that rates of binge drinking and drinking seven or more drinks per week among both pregnant women and non-pregnant women of childbearing age have not declined in recent years. Too many women who know they are pregnant report drinking at those levels.

We cannot risk the possibility that this bill could severely hamper state and local efforts to disseminate essential public health information about drinking during pregnancy. For these reasons, we urge you not to support it.

Thank you for your consideration.

Sincerely,

George A. Hacker
Director
CSPI Alcohol Policies Project

Tom Donaldson
President
National Organization on Fetal Alcohol Syndrome