

# **Comments on TTB's Proposal for Voluntary "Serving Facts" Labeling of Alcoholic Beverages**

Center for Science in the Public Interest  
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TTB's proposed industry guidance on "serving facts" labeling represents a small positive step in providing useful consumer information about the consumption of alcoholic beverages. For the first time, it will allow – in a systematized fashion – the labeling of important information about calories, alcohol content, serving size and number of servings per container. Such information will help consumers to manage more effectively their calorie intake (and appreciate the potential enormous contribution that alcoholic beverages can add to the diet) and better understand their level of alcohol consumption. In addition, if such labeling were to be used widely by producers, the information would allow consumers to compare alcoholic-beverage products and recognize how standard drinks of each type relate to each other.

Nonetheless, the proposal is defective or deficient in several aspects, especially because it does not constitute an adequate alternative to precise, formal regulations that would mandate consistent, clear industry-wide labeling of ingredients, calorie-content, serving size, alcohol content (in grams and percentage alcohol by volume), servings per container, safe-drinking limits and potential allergens. Hopefully, TTB's proposed industry guidance will not derail its broader review of CSPI's and NCL's pending petition regarding labeling, nor limit the scope of labeling requirements sought in that petition. We strongly urge TTB to move rapidly toward formal rulemaking for mandatory "serving facts" labeling that would focus more on alcohol-related information and ingredients than on disclosure of information about insignificant amounts of nutrients, such as fat and protein.

In order to inform our comments to TTB, CSPI surveyed its 8,090 "action alert" subscribers regarding the voluntary labeling proposal. Although this group does not constitute a representative random national sample, the universe of potential respondents was selected because its members have a high degree of interest in nutrition and health issues. The survey was conducted on the web August 11-12, 2004, using a computer survey service. It generated 1206 total responses, including 989 (82%) from persons who drink alcoholic beverages. In our comments below, we will refer to the findings among drinkers, which vary only marginally from those among the entire sample. A copy of the survey questions will be submitted along with these comments.

We believe that the suggestions below will strengthen the proposed guidance for voluntary labeling, but we emphasize that those recommended improvements should not be considered as alternatives to more comprehensive and mandatory labeling of alcoholic beverages.

1. Alcohol is not a food. TTB's proposal to allow the labeling of fat and protein content provides little information of value. Few alcoholic beverages contain significant amounts of protein, if any, and even fewer contain fat. The mere labeling of "protein" might suggest to consumers who do not read labels carefully that some products contain protein, thereby rationalizing consumption, particularly for heavy and addicted drinkers. Likewise, information that alcoholic beverages are virtually fat-free might promote alcohol consumption even among consumers who are watching their weight. Other than to promote the virtual absence of protein and fat from alcoholic beverages and to suggest that alcoholic beverages should be considered a source of nutrition, there seems to be little point in providing this information.

2. Most people do not consume alcoholic beverages for nutritional reasons. Providing useless information – and allowing producers to promote their products essentially as "fat-free" – primarily serves commercial, rather than consumer interests. We recommend deleting fat and protein from the information to be provided, and note that eliminating those items will save space on the label. Another rational approach might be to establish a threshold: protein and fat could be listed if they equal or exceed an amount deemed to be dietarily significant by FDA. For example, if the protein content reached 2% of the recommended daily value, it could be listed. Notably, CSPI's web survey found that 45% (44.9%) of drinkers favored listing fat and protein content "only when a beverage contains a significant amount."

2. The way in which numerical information is transmitted on the label could also use some refinement. First, any nutrient figures should be rounded to the nearest gram. Decimal amounts are virtually meaningless, and amounts of less than one gram per serving are nutritionally insignificant. Anything less than half a gram would be rounded to zero. For clarity, the expression of decimal amounts of alcohol content or portions of a standard drink should include a zero prior to the decimal point; for example, 0.6 oz. rather than .6 oz. Also, especially for malt beverages, which are currently not required to label their percentage alcohol content by volume, it would be helpful to add an expression of percentage alcohol by volume next to the disclosure of grams of alcohol; either in the list or in the proposed graphic, or both. This would give consumers relevant information about the concentration of alcohol in the products they are consuming.

3. One comment about the appearance/format of the label. "Alcohol" content should be listed directly after calories, and not at the bottom of the list.

4. Although the information about drink size and standard drinks is marginally helpful, it could be vastly improved by requiring the addition of the "U.S. Dietary Guidelines' recommendation regarding moderate drinking: up to one drink per day for women, up to two per day for men." (When the 2005 Dietary Guidelines is released, that statement might have to be modified.) That statement, immediately following the definition of a standard drink, would put that information into context and help quantify "responsible" or "moderate" drinking for consumers.

5. Whether the "serving facts" labels are voluntary or not, it makes little sense to separate such information from other mandatory ingredient information on the label. Therefore, we recommend that mandatory information (for sulfites, Yellow #5, or common allergens – if and when they are required to be listed) be listed directly underneath the proposed "serving facts" label. The Surgeon General's warning – in bold upper and lower case print – should be required to be printed below the list of ingredients. CSPI's survey found overwhelming support for complete listing of ingredients and additives: 95.3% of respondents say that labels of alcoholic beverages should list all the ingredients and additives, as foods are labeled. A mock-up of such complete label information will be submitted with these comments.

6. Currently, calorie and carbohydrate claims trigger a requirement that producers provide a Statement of Average Analysis on the product label. We propose that TTB similarly require a "serving facts" label *and ingredient labeling* if companies make *any* label statement about health, nutrients, or ingredients (such as "made from the finest barley and hops"). Statements about particular ingredients should trigger full ingredient disclosure because partial disclosures can be misleading: the company might boast about its barley and hops and fail to mention ingredients, like rice, corn, or a preservative that consumers might not expect.

7. As the proposed guidance stands now, producers will be permitted to label some of their brands and not others. To avoid this source of confusion, TTB should require that any producer that seeks to label any of its products with "serving facts" must label all of its products accordingly. That would lessen the use of "serving facts" information simply as another marketing tool, and provide consumers with far more comparative product information. CSPI's survey confirms that listing "serving facts" will increase consumer demand for those products. About 62.7% of drinkers say they would be "much more likely" or "more likely" to choose an alcoholic beverage that provided a "serving facts" label than one that didn't. Consumers' interests in labeling information and producers' interests in increasing market share would both be served by such an extension of the "voluntary" labeling proposal.

8. Although some of the proposed "serving facts" information – alcohol content, serving size, number of servings per container, calories – is important, permitting voluntary labeling of some products can only continue consumer confusion when comparing alcoholic beverages. Consumers will wonder why some products are labeled and others not. They may draw false conclusions about the products that are labeled and those that are not. And many, who purchase products not labeled with "serving facts," will continue to be in the dark about important information regarding alcohol content and calories. Nearly 90% of drinkers (89.2%) support mandatory labeling of ingredients, calories, alcohol content, and serving size.

With some revisions, TTB's piecemeal approach points in the right direction. We look forward to a response to our petition for mandatory ingredient and other labeling and to a future rulemaking that will require clear, consistent, and useful industry-wide

consumer labeling of ingredients, calories, alcohol content, allergen, and other information on alcoholic- beverage containers.

Thank you for considering our views.