

**ATTENTION ALCOHOL INDUSTRY MEMBERS:  
THE DEADLINE TO COMMENT ON WHETHER ALCOHOL LABELS AND ADS  
MUST INCLUDE NUTRITIONAL INFORMATION, INGREDIENT LISTINGS,  
AND FOOD ALLERGEN WARNINGS ENDS THIS FRIDAY!**



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By: Regulated Products Section Chair [Richard M. Blau](#)

In its [Notice No. 232](#), published on January 31, 2024, the U.S. Alcohol and Tobacco Tax and Trade Bureau (TTB) announced two virtual listening sessions and opened a docket for written comments to receive input from the public on potential changes to regulations governing the labeling of wine, distilled spirits, and malt beverages. The issue is whether the TTB should amend existing voluntary disclosure regulations to require mandatory disclosure of per-serving alcohol and nutritional information, major food allergens, and/or ingredients—similar to food regulations currently enforced by the U.S. Food and Drug Administration (FDA).

The listening sessions have already occurred; transcripts for TTB's two listening sessions are available on Regulations.gov as Supporting and Related Documents in Docket No. [TTB-2024-0002](#). The deadline is looming for any public comments, whether in favor or opposed to expanded mandatory disclosures.

**BACKGROUND:** The Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e)(2), authorizes the secretary of the treasury to prescribe regulations that will provide adequate information as to the identity and quality of alcohol beverages. The FAA Act does not require alcohol beverage labels to disclose a complete list of ingredients, any major food allergens used in the production of alcohol beverages, or nutritional information such as the number of calories or the amount of carbohydrate, protein, fat, or other nutrients.

TTB and its predecessor agencies have published regulations on labeling wine, distilled spirits, and malt beverages in parts four, five, and seven, respectively, of Chapter I of Title 27 of the Code of Federal Regulations (27 CFR, Chapter I). TTB also has provided standards for VOLUNTARY nutrient content statements ([TTB Ruling 2013-2](#)), as well as standards for VOLUNTARY disclosures of major food allergens (27 CFR 4.32a–4.32b, 5.82–5.83, and 7.82–7.83), and MANDATORY requirements for alcohol content disclosures for most alcohol beverages (27 CFR 4.36, 5.65, and 7.65).

TTB is now considering whether the disclosure of the information currently subject to voluntary standards should instead be required, whether to expand required alcohol content disclosures to a broader scope of beverages and, if so, how to present the information.

For example, via an interim rule effective July 26, 2006, TTB allowed the VOLUNTARY labeling of major food allergens on the labels of wines, distilled spirits, and malt beverages. The regulatory provisions allowing the voluntary labeling of major food allergens are outlined in [T.D. - TTB-53](#), published in the Federal Register on July 26, 2006. The interim rule, which paralleled the amendments to the Federal Food, Drug, and Cosmetic Act contained in the Food Allergen Labeling and Consumer Protection Act of 2004, adopted labeling standards for major food allergens used in the production of alcohol beverages that are subject to the labeling requirements of the Federal Alcohol Administration Act.

Likewise, alcohol industry brand owners who want to include nutritional information on their labels MAY do so, but such listings currently are not required. Brand owners may use truthful, accurate, and specific calorie or carbohydrate statements on labels and in advertisements; however, TTB currently will consider these declarations to be misleading (and thus prohibited) unless they include a statement that lists the number of calories and the number of grams of carbohydrates, protein, and fat contained in the product based on a single serving. TTB guidance documents provide two options: a "statement of average analysis" and a "Serving Facts statement."

**Should these voluntary regulations on food allergens and nutritional values be made mandatory? Should the existing requirements for alcohol content disclosure be expanded?**

The public comment period for Notice No. 232, *Labeling and Advertising of Wine, Distilled Spirits, and Malt Beverages with Alcohol Content, Nutritional Information, Major Food Allergens, and Ingredients*, will close this Friday, March 29. Written comments may be submitted electronically or via postal mail and must be submitted or postmarked by **11:59 pm ET, March 29, 2024**, using the instructions provided in [Notice No. 232](#).

If mandatory product disclosures matter to you, and you want your voice heard, **YOU MUST ACT THIS WEEK!**

[Richard M. Blau](#) leads the GrayRobinson national Alcohol Law Team, focusing on the laws that govern the production, importation, marketing, distribution, and sale of alcohol beverages throughout America. Richard and his colleagues focus on the rules, regulations, and business practices that govern the marketing, sale, and consumption of international importers and domestic producers, processors and regional distributors, and retailers. Richard has achieved numerous peer-related accolades for his legal work, including **Chambers and Partners** – Nationally ranked as "Band 1" for food and alcohol beverage law; **Best Lawyers® in America** – nationally listed for food and beverage law; and **Super Lawyers** –elected member.

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