



June 26, 2019

Amy Greenberg  
Director, Regulations and Rulings Division  
Alcohol and Tobacco Tax and Trade Bureau  
1310 G Street NW, Box 12,  
Washington, DC 20005  
Submitted online via <https://www.regulations.gov>

Re: TTB Notice 176, 83 Fed. Reg. 60562 (Nov. 26, 2018), Modernization of the Labeling and Advertising Regulations for Wine, Distilled Spirits, and Malt Beverages

Dear Director Greenberg:

The Asthma and Allergy Foundation of America (AAFA) appreciates the opportunity to provide comments on the proposed rule, “Modernization of the Labeling and Advertising Regulations for Wine, Distilled Spirits, and Malt Beverages.” AAFA is the leading patient organization for people with asthma and allergies and the oldest asthma and allergy patient group in the world. We represent the millions of adults and children with food allergies whose wellbeing and safety is dependent upon accurate food labeling. Accordingly, we support transparent labeling about alcohol ingredients and urge the Tax and Trade Bureau (TTB) to move toward mandatory allergen labeling on alcoholic beverages.

### Impact of food allergies

Food allergies have an enormous impact on the lives of patients and their families.<sup>1</sup>

A recently published study on the prevalence of food allergies in adults estimates that there are now 26 million adults in the U.S. (approx. 10.8 percent of the U.S. population) living with food allergies. The study also found that nearly half of food-allergic adults had at least one adult-onset food allergy, and 38 percent reported at least one food allergy-related emergency department visit in their lifetime.<sup>2</sup>

The impact of exposure to the allergen can range from mild to catastrophic, with a severity that cannot be predicted from one reaction to the next. Exposure to trigger foods, including dairy,

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<sup>1</sup> Bock S, Muñoz-Furlong A, Sampson H. Further fatalities caused by anaphylactic reactions to food. *J Allergy Clin Immunol*, 119 (2007), pp. 1016-1018

<sup>2</sup> Gupta R, Warren C, Smith B, Jiang J, Blumenstock J, Davis M, Schleimer R, Nadeau K. Prevalence and Severity of Food Allergies Among US Adults. *JAMA Open Network*. 2019; 2: e185630



fish, and shellfish, for those with food allergies can evoke symptoms ranging from hives, nausea, vomiting, or diarrhea which can lead to more serious conditions such as angioedema and anaphylaxis, and even death.

### Importance of allergen labels

Food and beverage labeling helps people with allergies avoid exposure. Wines, distilled spirits and beers can contain undisclosed allergens, either used as processing agents or as ingredients.<sup>3</sup> For example, wines sold commercially may contain residue from egg albumen as well as casein (milk protein), chitin (fiber from crustacean shells), fish oil, gelatin (protein from boiling animal parts) and isinglass (gelatin from fish bladder membranes).<sup>4</sup> Research shows consumption of sediment particles containing these fining agents can cause allergic reactions.<sup>5</sup> Moreover, liqueurs and craft beers can also contain allergenic ingredients that are not clearly disclosed.

Disclosure of allergen information is a matter of life-and-death for some consumers. The Food Allergen Labeling and Consumer Protection Act of 2004 (FALCPA), which requires allergen labeling for FDA-regulated foods and beverages, has made it easier for food allergic consumers and their caregivers to identify and avoid foods that contain major food allergens.

### TTB should mandate allergen labeling for alcoholic beverages

FALCPA does not apply to alcoholic beverages because they are not regulated by the FDA, but a House committee report for the bill stated that the committee expected the Tax and Trade Bureau to develop allergen labeling for alcoholic beverages.<sup>6</sup> After FALCPA became law, TTB took steps to align alcohol labeling with FALCPA's requirements. In 2006, TTB issued an interim rule on voluntary labeling for major food allergens on alcohol products,<sup>7</sup> as well as a proposed

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<sup>3</sup> Deckwart M, Carstens C, Webber-Witt M, Schäfer V, Eichhorn L, Schröter F, Fischer M, Brockow K, Christmann M, Paschke-Kratzin A. 2014b. Impact of wine manufacturing practice on the occurrence of fining agents with allergenic potential. *Food Addit Contam A* 31(11):1805–17.

<sup>4</sup> Uberti F, Danzi R, Stockley CS, Peñas E, Ballabio C, Di Lorenzo C, Tarantino C, Restani P. 2014. Immunochemical investigation of allergenic residues in experimental and commercially-available wines fined with egg white proteins. *Food Chem* 159(0):343–52.

<sup>5</sup> Stockley CS, Johnson DL. 2015. Adverse food reactions from consuming wine. *Aust J Grape Wine Res* 21:568–81.

<sup>6</sup> H.R. Rep. No. 608, 108th Cong., 2d Sess., at 3 (2004).

<sup>7</sup> U.S. DEPT OF THE TREASURY, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU. Major Food Allergen Labeling for Wines, Distilled Spirits and Malt Beverages. 71 Fed. Reg. 42260 (July 26, 2006) <https://www.federalregister.gov/documents/2006/07/26/E6-11872/major-food-allergen-labeling-for-wines-distilled-spirits-and-malt-beverages>.



rule on *mandatory* labeling.<sup>8</sup> TTB noted that support for mandatory allergen labeling had come from both industry and consumers:

We note that of the comments we received on allergens, the vast majority favored mandatory labeling of the major food allergens. Industry members as well as consumer and public health advocates commented in support of major food allergen labeling.<sup>9</sup>

However, the rulemaking on mandatory allergen labelling did not progress. The current proposed rule explicitly excludes “[s]ubstantive changes to allergen labeling requirements,” leaving voluntary labeling in place.<sup>10</sup> Such voluntary labeling remains inadequate because it fails to provide for uniform disclosures that will allow consumers to make informed choices between products. The public has expressed an overwhelming interest in improved information on the labeling of alcoholic beverages over the past two decades; upwards of 91 percent of those polled support alcohol ingredient labeling.<sup>11, 12</sup>

## Conclusion

AAFA urges the TTB to move quickly to modernize the allergen labeling regulations for wine, distilled spirits and malt beverages, aligning the regulations with the labeling requirements for food as regulated by the FDA under FALCPA. We urge the TTB to include mandatory, standardized declaration covering ingredients and allergen information based on the prior regulatory docket as proposed in 2006.<sup>13</sup>

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<sup>8</sup> U.S. DEP’T OF THE TREASURY, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU. Major Food Allergen Labeling for Wines, Distilled Spirits and Malt Beverages. 71 Fed. Reg. 42329 (July 26, 2006)

[www.federalregister.gov/documents/2006/07/26/06-6467/major-food-allergen-labeling-for-wines-distilled-spirits-and-malt-beverages](http://www.federalregister.gov/documents/2006/07/26/06-6467/major-food-allergen-labeling-for-wines-distilled-spirits-and-malt-beverages)

<sup>9</sup> *Id.*

<sup>10</sup> U.S. DEP’T OF THE TREASURY, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU. Major Food Allergen Labeling for Wines, Distilled Spirits and Malt Beverages. 71 Fed. Reg. 42329 (July 26, 2006) [www.federalregister.gov/documents/2006/07/26/06-6467/major-food-allergen-labeling-for-wines-distilled-spirits-and-malt-beverages](http://www.federalregister.gov/documents/2006/07/26/06-6467/major-food-allergen-labeling-for-wines-distilled-spirits-and-malt-beverages).

<sup>11</sup> Consumer Groups' Letter to TTB on Alcohol Labeling

<https://espinet.org/sites/default/files/attachment/TTB%20Consumer%20Group%20Letter%20on%20Alcohol%20Labeling.pdf>

<sup>12</sup> Consumer/health groups united in pressing for standardized, useful alcohol facts label

[https://www.nclnet.org/consumer\\_health\\_groups\\_united\\_in\\_pressing\\_for\\_standardized\\_useful\\_alcohol\\_facts\\_label](https://www.nclnet.org/consumer_health_groups_united_in_pressing_for_standardized_useful_alcohol_facts_label)

<sup>13</sup> U.S. DEP’T OF THE TREASURY, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU. Major Food Allergen Labeling for Wines, Distilled Spirits and Malt Beverages. 71 Fed. Reg. 42329 (July 26, 2006) [www.federalregister.gov/documents/2006/07/26/06-6467/major-food-allergen-labeling-for-wines-distilled-spirits-and-malt-beverages](http://www.federalregister.gov/documents/2006/07/26/06-6467/major-food-allergen-labeling-for-wines-distilled-spirits-and-malt-beverages)



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Thank you for providing us with the opportunity to share the perspective of the food allergy community. Should you have any questions, please contact me at 202-974-1231 or [kmendez@aafa.org](mailto:kmendez@aafa.org).

Sincerely,

Kenneth Mendez  
President and Chief Executive Officer  
Asthma and Allergy Foundation of America