



Asthma and Allergy
Foundation of America

March 29, 2024

Amy Greenberg
Director, Regulations and Rulings Division
Alcohol and Tobacco Tax and Trade Bureau
U.S. Department of the Treasury
1310 G Street NW, Box 12
Washington, DC 20005
Submitted via [regulations.gov](https://www.regulations.gov)

Re: Labeling and Advertising of Wine, Distilled Spirits, and Malt Beverages With Alcohol Content, Nutritional Information, Major Food Allergens, and Ingredients

Dear Ms. Greenberg:

On behalf of AAFA, the Asthma and Allergy Foundation of America, thank you for the opportunity to offer comments on the importance of major food allergen labeling, for wine, distilled spirits, and malt beverages with alcohol content. AAFA is the leading patient organization for people with asthma and allergies, and the oldest asthma and allergy patient group in the world. We are dedicated to improving the quality of life for people with allergic diseases and asthma through education, advocacy and research.

We strongly urge the Tax and Trade Bureau to protect public health by implementing mandatory allergen labeling and ingredient information on the alcoholic beverages under its jurisdiction. We also support requiring nutrition and serving size labeling on alcoholic beverages.

Many consumers of alcoholic beverages have food allergies. Over 10 percent of adults in the United States have food allergies, and 38% of these adults have experienced at least one food-allergy-related emergency department visit.¹ Exposure to an allergen can trigger reactions ranging from mild hives or shortness of breath to anaphylaxis, and, in rare cases, death. Anaphylaxis is a severe, potentially life-threatening allergic reaction that may involve one or more systems of the body, such as skin, respiratory tract, gut, and cardiovascular system.

¹ 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



Concerns about allergens in alcoholic beverages are not theoretical. Wines, distilled spirits and beers can contain undisclosed allergens, either used as processing agents or as ingredients.² For example, wine may contain residue from egg albumen, casein (milk protein), chitin (fiber from crustacean shells), fish oil, gelatin (protein from boiling animal parts) and isinglass (gelatin from fish bladder membranes).³ Consuming these particles in wine can trigger reactions for people allergic to these foods.⁴ Craft beers and liqueurs can also contain allergenic ingredients.

Currently, the only way for people with allergies to prevent a reaction is to avoid their trigger foods. For nearly two decades, the Food Allergen Labeling and Consumer Protection Act of 2004 (FALCPA) has required major allergen labeling for FDA-regulated foods and beverages, making it far easier for people navigating food allergies to stay healthy. FALCPA applies to the “top nine” allergens – milk, egg, fish, crustacean shellfish, tree nuts, wheat, peanuts, soybeans, and sesame.

Alcoholic beverages do not fall under the FDA’s jurisdiction. However, when FALCPA was enacted, a House committee report noted that the committee expected the Tax and Trade Bureau to develop allergen labeling for alcoholic beverages.⁵ And, in fact, your agency did begin to move to align alcohol labeling with FALCPA’s requirements, issuing a 2006 interim rule on voluntary labeling for major food allergens on alcohol

² 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.

³ 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.

⁴ Stockley CS, Johnson DL. 2015. Adverse food reactions from consuming wine. *Aust J Grape Wine Res* 21:568–81.

⁵ H.R. Rep. No. 608, 108th Cong., 2d Sess., at 3 (2004). Available at <https://www.congress.gov/congressional-report/108th-congress/house-report/608>. “The Committee expects, consistent with the November 30, 1987 Memorandum of Understanding, that the Alcohol and Tobacco Tax and Trade Bureau (TTB) of the Department of Treasury will pursuant to the Federal Alcohol Administration Act determine how, as appropriate, to apply allergen labeling of beverage alcohol products and the labeling requirements for those products. The Committee expects that the TTB and the FDA will work together in promulgation of allergen regulations, with respect to those products.”



products,⁶ followed by a proposed rule on mandatory labeling.⁷ As TTB noted at the time, there seemed to be very strong support for allergen labeling both from consumers and from industry:

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.⁸

This is consistent with research finding extremely strong consumer interest in allergen labeling for alcoholic beverages. But inexplicably, TTB's rulemaking on mandatory allergen labelling did not progress, leaving only voluntary guidelines in place. This is entirely insufficient, because consumers cannot determine if the lack of allergen labeling indicates the absence of allergens, or simply a manufacturers' decision not to list it.

We also strongly support the mandatory inclusion of an ingredient list. Many people have allergies to foods that are not in the "top nine," and need to know when their allergens are present in a food or drink. In addition, this basic requirement would simply bring alcoholic beverages in line with what consumers are entitled to know about the ingredients of their FDA-regulated foods.

To ensure the health and nutrition of all consumers, AAFA believes information on nutrition and serving sizes should be required on labels. This would allow consumers to assess both their intake of alcohol, to stay within recommended safety guidelines,⁹

⁶ 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>.

⁷ 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. 42329 (July 26, 2006)
<https://www.federalregister.gov/documents/2006/07/26/06-6467/major-food-allergen-labeling-for-wines-distilled-spirits-and-malt-beverages>

⁸ *Id.*

⁹ U.S. Department of Agriculture and U.S. Department of Health and Human Services. Dietary Guidelines for Americans, 2020-2025. 2020.
https://www.dietaryguidelines.gov/sites/default/files/2020-12/Dietary_Guidelines_for_Americans_2020-2025.pdf



and their overall consumption of calories from alcoholic beverages,^{10,11} helping address obesity and related disease.

To the extent possible, labeling information should be displayed on alcoholic beverages similar to labeling on FDA-regulated foods. Consumers with food allergies are accustomed to FDA labeling, and would be able to easily transition to a similar model for checking the safety of alcoholic beverages, whether reflected as major allergens or, if not among the top none, listed elsewhere as ingredients. It is important that major allergen, ingredient, and nutrition and serving size information be available on the label, and not only through a QR code or other technology. On-package labeling is the standard for FDA-regulated products and ensures that all consumers, regardless of technology access or skills, can understand the information and make decisions to protect their health.

Conclusion

We therefore strongly urge the TTB to move forward with mandatory major allergen, ingredient, and nutrition labeling regulations for wine, distilled spirits and malt beverages, with standards that echo FDA's requirements. If you would like any further information on food allergies or the consumer perspective on labeling, please do not hesitate to contact me at kmendez@aafa.org or Jenna Riemenschneider, AAFA's Senior Director of Advocacy and Policy, at jennar@aafa.org.

Sincerely,

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

¹⁰ Dietary Guidelines Advisory Committee. Scientific Report of the 2020 Dietary Guidelines Advisory Committee: Advisory Report to the Secretary of Agriculture and the Secretary of Health and Human Services. July 2020. <https://www.dietaryguidelines.gov/2020-advisory-committee-report>

¹¹ Nielsen S J, et al. Calories consumed from alcoholic beverages by U.S. adults, 2007–2010. U.S. Centers for Disease Control and Prevention. November 2012. <https://www.cdc.gov/nchs/products/databriefs/db110.htm>