

TTB Announces Proposed Amendments to Regulations Governing the Labeling and Advertising of Alcohol Beverage Products



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Today, the Alcohol and Tobacco Tax and Trade Bureau (TTB) published a proposed amendment to the regulations governing the labeling and advertising of wine, distilled spirits and malt beverages. The proposed rule seeks to reorganize and recodify these and incorporate guidance documents and current policy.

TTB advises the proposed amendments will modernize the regulations governing the labeling and advertising of wine, distilled spirits and malt beverages to improve understanding of the regulatory requirements and to make compliance easier and less burdensome for the alcohol beverage industry. Among other things, the proposed amendments:

- Incorporate changes in labeling standards that have come about through statutory changes and international agreements;
- provide greater flexibility in the use of certain terms of origin and multiple varietal designations for wine;
- provide greater flexibility with regard to the placement of mandatory information on labels;
- codify TTB's longstanding interpretations of contemporary case law governing commercial speech under the First Amendment;
- update the alcohol content regulations for malt beverages and wine;
- modernize the regulations on strength claims to remove outdated language;
- incorporate proposals previously published for comment by TTB in notices or advance notices of proposed rulemaking, including proposals on the use of "estate grown" on wine labels, and the use of aggregate packaging to satisfy standards of fill for distilled spirits and wine containers;
- provide more specific labeling and packaging rules; and
- prohibit the industry's use of terms that apply to one commodity on labels of a different commodity when they might mislead consumers as to the identity of the product, while allowing the non-misleading use of certain terms.

Finally, through this proposed rulemaking, TTB proposes to consolidate its alcohol beverage advertising regulations in a new part, 27 CFR part 14, *Advertising of Wine, Distilled Spirits, and Malt Beverages*. If the proposed rule is adopted, TTB plans to give industry members three years to come into compliance with the proposed regulations. TTB believes three years will allow industry members to coordinate new labeling requirements with scheduled labeling changes, and to use up existing stocks of labeling and packaging.

Note, today's notice of proposed rulemaking does not address a number of TTB's ongoing rulemaking initiatives related to the labeling and advertising of alcohol beverages. For example, the proposed rule does not address:

- "Serving Facts" statements;
- statements of average analysis on labels that include nutrient content claims;
- gluten content statements;
- allergen labeling requirements;
- standards of fill requirements; or
- contemporary advertising issues, such as social media.

TTB is soliciting comments on the proposed rulemaking including comments on (i) whether the proposed changes will protect consumers and (ii) whether they will require significant labeling changes by industry members. The comment period closes March 26, 2019. There are three avenues to submit comments:

- *Federal e-Rulemaking Portal*: Online at the following link: <https://www.regulations.gov/document?D=TTB-2018-0007-0001>.
- *U.S. Mail*: Address comments to the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005.
- *Hand Delivery/Courier*: Hand-carry comments or have them sent via courier to the Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Suite 400, Washington, DC 20005.

If you would like more information regarding TTB's proposed rulemaking, or if you are interested in providing public comment on the proposed rule changes, please contact GrayRobinson's [Nationwide Alcohol Industry Team](#) via telephone at (866) 382-5132 or via e-mail at beveragelaw@gray-robinson.com.