

ALCOHOL INDUSTRY STAKEHOLDERS:

DEADLINE TO COMMENT ON PROPOSED RULE TO REQUIRE NUTRITIONAL INFORMATION AND INGREDIENTS ON ALCOHOL LABELS AND ADVERTISEMENTS IS **AUGUST 15**



April 15, 2025

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

On April 8, 2025, the U.S. Alcohol and Tobacco Tax and Trade Bureau (TTB) extended the time for public comments to be received regarding two very important proposed regulations relating to alcohol beverage labeling requirements:

- In [Notice No. 238](#), published on January 17, 2025, TTB proposed requiring alcohol beverage labels to disclose all major food allergens used in the production, as regulated under the Federal Alcohol Administration Act (FAA Act). Unless an exception applies, labels must identify milk, eggs, fish, Crustacean shellfish, tree nuts, wheat, peanuts, soybeans, sesame, and any ingredients containing protein derived from these sources. TTB has proposed a five-year compliance period from the publication of a final rule in the Federal Register.
- In [Notice No. 237](#), published January 17, 2025, TTB proposed requiring alcohol beverage labels to include an “Alcohol Facts” statement disclosing per-serving alcohol, calorie, and nutrient content, pursuant to its authority under the FAA Act. TTB also proposed mandatory alcohol content statements for certain types of malt beverages, beer, and wine not currently subject to such labeling under both the FAA Act and the Internal Revenue Code of 1986. A five-year compliance is proposed from the publication date of a final rule in the Federal Register.

SNAPSHOT OF ALCOHOL LABELING REGULATIONS

The FAA Act (27 U.S.C. § 205(e)(2)) authorizes the Secretary of the Treasury to issue 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 full 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 carbohydrates, protein, fat, or other nutrients.

TTB and its predecessor agencies have established labeling regulations for wine, distilled spirits, and malt beverages under 27 CFR parts 4, 5, and 7, respectively. These regulations include:

- **Voluntary** standards for nutrient content statements (TTB Ruling 2013-2)
- **Voluntary** disclosure of major food allergens (27 CFR §§ 4.32a–b, 5.82–83, and 7.82–83)
- **Mandatory** 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 required alcohol content disclosures should be expanded to a broader scope of beverages, and, if so, how the information should be presented.

For example, under an interim rule effective July 26, 2006, TTB permitted the **voluntary** labeling of major food allergens on the labels of wines, distilled spirits, and malt beverages, as outlined in T.D. TTB-53 published in the Federal Register. This 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, established standards for disclosing allergens used in the production of alcohol beverages under the FAA 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. 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 per serving. TTB offers two compliance options: a "Statement of Average Analysis" or a "Serving Facts Statement."

FOOD FOR THOUGHT

Do you support TTB's proposal to make allergen and nutritional labeling **mandatory** for alcohol beverages? Should current alcohol content labeling requirements be updated to cover additional product categories?

JOIN THE CONVERSATION

If these proposals matter to you, now is the time to add your voice to the discussion. To submit comments on the proposed requirements for including nutritional information and ingredient listings on alcohol labels and advertisements, please see below.

Deadline for public comment submission: August 15, 2025

- [Notice No. 238: Major Food Allergen Labeling for Wines, Distilled Spirits, and Malt Beverages](#)
Rulemaking docket: [TTB-2025-0002](#)
Public comment form to submit electronically or by mail: [Notice No. 238](#)
- [Notice No. 237: Alcohol Facts Statements in the Labeling of Wines, Distilled Spirits, and Malt Beverages](#)
Rulemaking docket: [TTB-2025-0002](#)
Public comment form to submit electronically or by mail: [Notice No. 237](#)

To learn more, contact GrayRobinson Regulated Products Section Chair [Richard Blau](#) or a member of the national [Alcohol Law Team](#).

[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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