



## BEER INSTITUTE

August 24, 2005

Mr. John Manfreda  
Administrator  
Alcohol and Tobacco Tax and Trade Bureau  
1310 G Street NW, Suite 300 East  
Washington, D.C. 20020

Mr. Bill Foster  
Chief, Regulations and Procedures Division  
Alcohol and Tobacco Tax and Trade Bureau  
1310 G Street NW, Suite 200 East  
Washington, D.C. 20020

Dear Messrs. Manfreda and Foster:

On behalf of the members of the Beer Institute, we respectfully request an additional 60 day extension in the comment period on TTB Notice No. 41 dealing with labeling and advertising regulations.

The range of issues in the advance notice is very broad, and we are working with our members in attempting to adequately address as many of the broad policy matters and more detailed questions as possible. Since brewers produce billions of containers and labels annually, all of the subjects covered in the advance notice have raised substantial interest among our members.

Examples of the important areas requiring additional time include:

On the questions dealing with allergens, a careful review is required of information presented just last month at a conference sponsored by the Food and Drug Administration's advisory body on allergen thresholds. That meeting left open some very important practical questions on which we need further guidance to effectively respond to TTB. Topics such as basic thresholds and accepted testing methodologies would presumably be incorporated or referenced in TTB regulations. Another FDA meeting specific to wheat allergies was held on August 19<sup>th</sup>, and raised questions we will have to consider. We understand that FDA's formal guidance to food and beverage industry members may not be available until September or October. In addition to the basic issue of compliance with the Allergen Labeling and Consumer Protection Act of 2004, these matters affect our response to the questions posed on ingredient labeling in the Advance Notice.

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The proposed labels conveying basic nutrient information and alcohol content require analysis from several perspectives, including an examination of published research over the fifteen year history of the Nutritional Labeling Education Act. In the process of reviewing that material, we have gained some insights on the fundamental differences between the educational purpose of the nutritional labels and the educational purpose of the information on the draft labels referenced in the Advance Notice. We believe that a careful analysis of that issue is important at this stage of the rulemaking process so that any rule proposed in the future will be drafted with those basic considerations in mind. The purpose of the label information affects the basic policy considerations that are properly posed in the TTB Advance Notice, such as making the label mandatory or voluntary, and the feasibility of placing such information on various types of containers.

We appreciate TTB's desire to move forward on the various issues addressed in the Advance Notice. The added time to provide a more complete analysis of these and other critical issues should assist you in the long run in drafting proposed regulations or policy statements.

Thank you for considering this request for an additional 60 days to respond to Notice No. 41.

Sincerely,



Arthur J. DeCelle  
Exec. Vice President  
and General Counsel

cc. Rulemaking Docket  
Bill Foster  
Chief Regulations and Procedures Division  
Alcohol and Tobacco Tax and Trade Bureau  
P.O. Box 14412  
Washington, D.C. 20044-4412