



WINE INSTITUTE

CAROL A. MARTEL
NORTHEASTERN COUNSEL

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Comments of Carol A. Martel, Northeastern Counsel, Wine Institute, regarding SB 1080, "An Act Concerning Access to Health and Nutritional Information in Restaurants".

On behalf of the Wine Institute, an association of over 1,100 California wineries and affiliated suppliers dedicated to advocating the responsible consumption and enjoyment of wine, we respectfully submit these written comments for your consideration. **We specifically request that wine or all alcoholic beverages be exempt from any menu or allergen labeling requirements and emphasize the following:**

- The language of the SB 1080 is vague and ambiguous in its definitions and terms. It does not indicate whether or not the proposal would include alcoholic beverages.
- Calculating specific calorie values for each type of wine would be impractical and present undue hardship. Such testing is not currently required under federal or state law. No other jurisdiction in the United States is requiring that wineries individually test their products for caloric content.
- Wineries are not currently required to analyze their products for caloric or other nutritional information and such testing has not been a part of standard industry practice. Since this information is not readily available, providing it for menu purposes places an undue burden on wineries, especially smaller ones. The cost to wineries for testing each vintage of every wine on a menu is over \$500 per product.
- California's recent adoption of a calorie count state law exempts alcoholic beverages; the same common sense example should be followed in Connecticut.
- The bill exceeds federal FALCPA (*Food Allergen Labeling and Consumer Protection Act of 2004*) because it is based on use of allergens, not presence, and provides no exemptions. Note that the federal FALCPA allows for labeling exemptions when the amount of the allergen left in a product doesn't pose a risk or is no longer detectable.
- The legislation should defer application to wine until the TTB rulemaking has been completed.
- The bill would require restaurants to know whether any ingredient in a menu item was produced or manufactured with the use of allergens which is overly burdensome and at best inexact.

- Federal preemption is a reasonable solution that will put an end to the inconsistent state-by-state requirements.

For these reasons we, respectfully request that wine or all alcoholic beverages be exempt from both caloric and allergen labeling requirements and offer some suggested language as follows:

In Section 1. (a) Add the following definition:

(8) “Standard menu item” shall mean any individual food or drink item, excluding wine, or combination of food or drink items, listed or displayed on a menu board or menu or identified by a food item tag that is/are sold by a covered food service establishment.

OR

(8) “Standard menu item” shall mean any individual food or drink item, excluding alcoholic beverages, or combination of food or drink items, listed or displayed on a menu board or menu or identified by a food item tag that is/are sold by a covered food service establishment.

If you decide to move forward on a calorie labeling requirement, we respectfully request that the legislation specifically allow for an alternate method for providing caloric labeling for wine or all alcoholic beverages utilizing the United States Department of Agriculture’s National Nutrient Database and offer the following new language taken from regulations already adopted in King County, WA (Seattle) and Multnomah County, OR (Portland):

Section 1.

(g) Alcoholic beverages may use nutritional labeling with an approved alternate method for beers, wines and spirits following an average value (calories, carbohydrates, and sodium). These values have been established by the United States Department of Agriculture (USDA), Agricultural Research Service national Nutrition Database (<http://www.nal.usda.gov/fnic/foodcomp/search/>) and are as follows:

red/white wine – 5 ounces:
122 calories

regular beer – 12 ounces:
153 calories

light beer – 12 ounces:
103 calories

distilled spirits (80 proof gin, rum, vodka, or whiskey) – 1.5 ounces:
96 calories

The menu labeling may include the following disclaimer statement: “Signature drinks or liqueurs with added ingredients may increase caloric content.”

Thank you for your consideration of this matter.

