

DEPARTMENT OF THE TREASURY

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

Supporting Statement – Information Collection Request

OMB Control Number 1513–0087

Labeling and Advertising Requirements, Alcohol Facts Statements, and Major Food Allergen Labeling of Wines, Distilled Spirits, and Malt Beverages under the Federal Alcohol Administration Act

(formerly Labeling and Advertising Requirements under the Federal Alcohol Administration Act)

Changes Since Last Approval

Changes made to the Supporting Statement since this information collection’s last approval:

- The Alcohol and Tobacco Tax and Trade Bureau (TTB) is revising this Supporting Statement in its entirety in response to the publication of two proposed rules that will each add one new information collection under this collection request, approved under OMB No. 1513–0087. These proposed rules are titled:
 - (1) Alcohol Facts Statements in the Labeling of Wines, Distilled Spirits, and Malt Beverages (RIN 1513–AC93); and
 - (2) Major Food Allergen Labeling for Wines, Distilled Spirits, and Malt Beverages (RIN 1513–AC94).

In the first proposed rule, TTB is proposing to require disclosure of per-serving alcohol, calorie, and nutrient content information in an “Alcohol Facts” statement on all alcohol beverage labels subject to TTB’s regulatory authority under the Federal Alcohol Administration Act (FAA Act). In the second proposed rule, TTB is proposing to require a labeling disclosure of all major food allergens used in the production of alcohol beverages subject to TTB’s regulatory authority under the Federal Alcohol Administration Act. In each case, TTB is proposing a compliance date of 5 years after the date of a final rule’s publication in the Federal Register.

Hereafter, these proposed rules may be referred to in this document as the “Alcohol Facts statement” proposed rule (or proposal), the “Major Allergen Labeling” proposed rule (or proposal), or collectively as the “Alcohol Facts and Major Allergen Labeling” proposed rules (or proposals).

A. Justification

1. What are the circumstances that make this collection of information necessary, and what legal or administrative requirements necessitate the collection? Also align the information collection to TTB’s Line of Business/Sub-function and IT Investment, if one is used.

The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the Federal Alcohol Administration Act (FAA Act, 27 U.S.C. chapter 8, subchapter I) pursuant to section 1111(d) of the Homeland Security Act of 2002, as codified at 6 U.S.C. 531(d). In addition, the Secretary of the Treasury (the Secretary) has delegated certain FAA Act administrative and enforcement authorities to TTB through Treasury Order 120–01.

The FAA Act at 27 U.S.C. 205(e) and (f) directs the Secretary to issue regulations regarding the labeling and advertising of wine, distilled spirits, and malt beverages (hereafter “alcohol beverages”). The FAA Act states that those regulations should, among other things, prohibit consumer deception and the use of misleading statements in the labeling and advertisement of alcohol beverages, and should provide consumers with adequate information as to the identity, quality, and alcohol content of such products. The FAA Act’s legislative history shows that Congress intended to grant broad rulemaking authority to the Secretary to ensure that alcohol beverage labels and advertisements meet those legislative goals.

The TTB alcohol beverage and advertising regulations, issued under its delegated FAA Act authorities, are found in 27 CFR parts 4 (wine), 5 (distilled spirits), and 7 (malt beverages). Under those regulations, alcohol beverage bottlers and importers must currently provide certain mandatory information on the labels of and in the advertisements for such products. In particular, on alcohol beverage container labels and on sealed opaque cartons or coverings of wine and distilled spirits containers, the TTB regulations mandate disclosure of a product’s brand name, its identity by type and class (e.g. “Chardonnay,” “bourbon,” “stout”), its alcohol content (in most cases), its net contents, and its bottler, packer or importer by name and address. See 27 CFR 4.32, 4.38a, 5.62, 5.63, 7.62 and 7.63. The regulations also mandate disclosure of the presence of FD&C Yellow No. 5, cochineal, carmine, and aspartame.¹ For distilled spirits, section § 5.63 also requires the labels of certain products to disclose the use of neutral spirits, coloring, flavoring, and blending materials, and their age. For alcohol beverage advertisements, the regulations generally require disclosure of the responsible advertiser’s name and address, the product’s class, type, or distinctive designation as appropriate, and, for distilled spirits, alcohol content and certain information regarding the use of neutral spirits in the product. See 27 CFR 4.62, 5.233, and 7.233.

While not requiring disclosure or collection of information, the regulations in parts 4, 5, and 7 also currently require mandated label disclosures to meet certain standards for legibility, govern voluntary disclosure of certain information, and prohibit certain labeling and advertising practices. In particular, mandated alcohol beverage label statements must be legible, appear on a contrasting background, and meet certain type size requirements based on the size of the product’s container. See 27 CFR 4.38, 5.52–5.54, and 7.52–7.54. The regulations also require mandated statements in alcohol beverage advertisements, whether in print, graphic, or audiovisual media, be apparent to the viewer, of sufficient size to be conspicuous and readily legible, and placed as to be clearly part of, and not separate from, the advertisement. See 27 CFR 4.63, 5.234, and 7.234. Regulations governing voluntary disclosure of certain information on alcohol beverage labels or in advertisements, including the use of the terms “organic,” and “pure,” are found in §§ 4.101, 5.84–5.91, 7.81, and 7.84. Regulations regarding prohibited labeling and advertising practices are found in §§ 4.39, 4.64, 5.101–5.103, 5.121–5.130, 5.235, 5.236, 7.101–7.103, 7.121–7.130, 7.235, and 7.236.

¹ The regulations at 27 CFR 4.32(e), 5.63(c)(7), and 7.63(b)(3) also require the disclosure sulfites, which, as an information collection, OMB has approved under OMB Control No. 1513–0084.

As mandated by the FAA Act, disclosure of the required information regarding alcohol beverage products in conformity with the specified legibility standards is necessary to prevent consumer deception and the use of misleading statements on the labels of and in advertisements for such products, and to ensure that such labels and advertising provide consumers with adequate information as to the identity, quality, and alcohol content of alcohol beverages.

The Alcohol Facts and Allergen Labeling Proposed Rules

TTB is publishing two proposed rules that will each add one new information collection to this information collection request, approved under OMB No. 1513–0087, Labeling and Advertising Requirements under the FAA Act. These two rules are titled and described as follows:

- Alcohol Facts Statements in the Labeling of Wines, Distilled Spirits, and Malt Beverages (RIN 1513–AC93). In this proposed rule, TTB is proposing to require disclosure of per-serving alcohol, calorie, and nutrient content information in an “Alcohol Facts” statement on all alcohol beverage labels subject to TTB’s regulatory authority under the FAA Act.² TTB is proposing a compliance date of 5 years from the date that a final rule resulting from this proposal is published in the Federal Register.
- Major Food Allergen Labeling for Wines, Distilled Spirits, and Malt Beverages (RIN 1513–AC94). In this proposed rule, TTB is proposing to require a labeling disclosure of all major food allergens used in the production of alcohol beverages subject to TTB’s regulatory authority under the FAA Act. Under the proposed regulations, unless an exception applies, labels must declare milk, eggs, fish, Crustacean shellfish, tree nuts, wheat, peanuts, soybeans, and sesame, as well as ingredients that contain protein derived from these foods, if used in the production of the alcohol beverage. TTB is proposing a compliance date of 5 years from the date that a final rule resulting from this proposal is published in the Federal Register.

Alcohol Facts Statement Proposed Rule

The Alcohol Facts Statement proposed rule contains information collection requirements for that statement in proposed regulatory sections §§ 4.111–4.114 for wine labels, §§ 5.211–5.214 for distilled spirits labels, and §§ 7.211–7.214 for malt beverage labels. In addition, references to the new requirements for an Alcohol Facts statement will appear in §§ 4.32, 4.36, 4.38, 5.52, 5.63, 5.65, 7.52, 7.63, and 7.65. This new collection of information will be mandatory, and the likely respondents are for-profit businesses, including corporations, partnerships, and small businesses. Specifically, this information collection would require alcohol beverage bottlers and importers to disclose per-serving alcohol, calorie, and nutrient content information in an Alcohol Facts statement as the proposed regulations will require that statement on all domestic and imported alcohol beverage labels subject to the FAA Act. The Alcohol Facts statement also would include information about the alcohol content of the product expressed as a percentage of alcohol by volume and in fluid ounces of pure ethyl alcohol per serving, as well as information about the number of calories and the amount, in

² In this proposed rule, pursuant to its authorities under both the FAA Act and the Internal Revenue Code of 1986, TTB is also proposing mandatory alcohol content statements for certain types of malt beverages, beer, and wine that are not currently required to be labeled with an alcohol content statement; see the beer and wine labeling information collections approved under OMB Nos. 1513–0086 and 1513–0092, respectively.

grams, of carbohydrates, fat, and protein per serving. Bottlers and importers could present the Alcohol Facts statement in either a panel or a linear format.

TTB believes that a significant proportion of the alcohol beverage industry already collects and maintains information regarding the nutrient content of their products, and that they do so in the normal course of business. Also, domestic producers of wines, distilled spirits, and malt beverages are already required to determine and keep records of the alcohol content of their products pursuant to existing TTB regulations issued under the authority of the Internal Revenue Code of 1986 (IRC). In addition, TTB does not propose to require industry members to submit new certificate of label approval (COLA) applications for the sole purpose of adding, or revising, an Alcohol Facts statement. Thus, the Alcohol Facts statement proposed rule would not increase recordkeeping requirements under the COLA requirement, which is covered by OMB Control Number 1513–0020. Furthermore, the Food and Drug Administration’s (FDA) Labeling Cost Model projects a “mean” internal recordkeeping burden of 1 hour per Universal Product Code (UPC) for labeling changes that are coordinated with a regularly scheduled labeling change, and 2 hours per UPC for labeling changes that are not coordinated. As TTB is proposing a 5-year compliance date, 100 percent of the labeling changes will be coordinated, allowing alcohol beverage bottlers and importers to add the required Alcohol Facts statement as part of their usual scheduled labeling changes. Given these factors, TTB believes that this new information collection will not impose a significant burden or cost on respondents.

Major Food Allergen Labeling Proposed Rule

The Major Food Allergen Labeling proposed rule includes a new collection of information requiring the mandatory declaration of such allergens on the labels of alcohol beverages. The regulatory sections in this proposed rule that contain the new information collection requirement for a declaration of major food allergens are in proposed regulatory sections §§ 4.32 and 4.32a for wine labels, §§ 5.63 and 5.75 for distilled spirits labels, and §§ 7.63 and 7.75 for malt beverage labels. This new collection of information will be mandatory, and the likely respondents are for-profit businesses, including corporations, partnerships, and small businesses. Specifically, the new information collection would require alcohol beverage bottlers and importers to disclose the presence of any of the nine major food allergens (milk, eggs, fish, Crustacean shellfish, tree nuts, wheat, peanuts, soybeans, and sesame), as well as ingredients that contain protein derived from these foods, if used in the production of the alcohol beverage, unless an exception applies. The disclosure would state “Contains major food allergen(s)” followed by a colon and the name of the food source from which each major food allergen is derived.

TTB believes that a significant proportion of the alcohol beverage industry already collects and maintains information regarding the presence of major food allergens in their products in the normal course of business. In addition, TTB does not propose to require industry members to submit new COLA applications for the sole purpose of adding, deleting, or revising major food allergen statements. Thus, the proposed rule would not increase recordkeeping requirements regarding certificates of label approval, which are covered by OMB Control Number 1513–0020. Furthermore, the FDA Labeling Cost Model projects a “mean” internal recordkeeping burden of 1 hour per UPC for labeling changes that are coordinated with a regularly scheduled labeling change, and 2 hours per UPC for labeling changes that are not coordinated. Because TTB is proposing a 5-year compliance date, 100 percent of the labeling changes will be coordinated, which will allow respondents to add any required major food allergen information to their labels as part of their usual scheduled

labeling changes. Given these factors, TTB believes that this new information collection will not impose a significant burden or costs on respondents.

Justification and Benefits

As noted earlier in this document, the labeling provisions of the FAA Act, codified at 27 U.S.C. 205(e), provide the Secretary with authority to issue regulations to prevent deception of the consumer, to provide the consumer with adequate information as to the identity, quality, and alcohol content of alcohol beverage products, to prohibit false or misleading statements on such products, and to provide information as to their alcohol content.

The proposed Alcohol Facts statement includes alcohol content of the product expressed as a percentage of alcohol by volume and in fluid ounces of pure ethyl alcohol per serving, and also the number of calories and the amount, in grams, of carbohydrates, fat, and protein per serving. Offering this basic information on alcohol beverage product labels at the point of purchase will provide consumers with information to make more informed alcohol beverage choices. The statement will also provide consumers with information needed to follow U.S. Government dietary, public health organization, and their doctors' advice about alcohol consumption, if they so choose. In addition, providing this information in a consistent format on alcohol beverage containers will also help consumers understand the information and prevent inconsistent presentations that might be confusing.

As for the Major Allergen Labeling statement required, if needed, on alcohol beverage labels, TTB believes that information about the presence of major food allergens in the production of an alcohol beverage will provide significant benefits to the millions of consumers with such allergies. A food allergy is an immune response to certain proteins in food, which may cause mild symptoms, but may also result in a severe, life-threatening allergic reaction called anaphylaxis. Because food allergies currently cannot be cured, early recognition of which foods and beverage cause individuals to have an allergic reaction, and learning how to avoid such products, are important ways to prevent serious health risks. By requiring major food allergen labeling on alcohol beverages, consumers with these food allergies will be able to make an informed decision as to whether consumption of a particular alcohol beverage may pose a risk of an allergic reaction. This proposal will also promote consistency in major food allergen disclosure across all types of food product labels, removing ambiguity about whether a product contains a major food allergen or not.

Alignment

This information collection request is aligned with —

- Line of Business/Sub-function: Law Enforcement/Substance Control.
- IT Investment: None.

2. *How, by whom, and for what purpose is this information used?*

TTB uses the mandatory alcohol beverage product label and advertisement information disclosures and would use the proposed Alcohol Facts statement and major food allergen labeling requirements proposed under this information collection request and the related legibility standards to ensure that the consumer information and protection provisions of the

FAA Act are appropriately applied. In turn, consumers use the disclosed product, nutritional, alcohol content, and allergen information when considering purchases of alcohol beverage products.

3. To what extent does this collection of information involve the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology? What consideration is given to use information technology to reduce burden?

Respondents may use technologies of their choosing to meet the regulatory requirements to determine and place the required product information and disclosures on the labels of the alcohol beverage products that they produce or bottle. Additionally, in the case of the Alcohol Facts statement, TTB is seeking public comment on whether any final rule should allow the proposed Alcohol Facts information to be disclosed via link, code, or other marking on the physical label.

4. What efforts are used to identify duplication? Can similar information already available be used or modified for use for the purposes described in Item 2 above?

The public disclosure on alcohol beverage product labels of currently-required producer and product identity information, and the proposed disclosure of information regarding an alcohol beverage product's nutritional, alcohol content, and allergen content information, is unique to each such product. As such, TTB believes that this information collection requirement is not duplicative of any other information collection requirement.

5. If this collection of information impacts small businesses or other small entities, what methods are used to minimize burden?

Under the FAA Act, all alcohol beverage bottlers and importers engaged in interstate commerce, regardless of size, are subject to the TTB regulations regarding the labeling and advertising of such products. However, TTB notes that public disclosure through product labels of information regarding a consumer product's producer and the product's identity and contents, including those for alcohol beverages, is a usual and customary business practice undertaken by respondents regardless of any regulatory requirement to do so. As such, TTB has determined that the currently-required third-party disclosure of an alcohol product's producer and identity does not have a significant impact on a substantial number of small entities.

As for the proposed Alcohol Facts statements and major food allergen information on alcohol beverage product labels, TTB believes that a significant proportion of the alcohol beverage industry already collects and maintains information regarding the nutrient content of their products and the use of any major food allergens in their products or their production, and that they do so in the normal course of business. Also, domestic producers of wines, distilled spirits, and malt beverages are already required to determine and keep records of the alcohol content of their products pursuant to existing TTB regulations issued under the authority of the IRC. As such, TTB believes that the proposed Alcohol Facts statement and major food allergen labeling requirements will not have a significant impact on a substantial number of small businesses.

6. *What consequences to Federal program or policy activities and what, if any, technical or legal obstacles to reducing burden will occur if this collection is not conducted or is conducted less frequently?*

TTB currently requires disclosure of the specified producer and product identity information on alcohol beverage labels and in advertisements when a bottler or importer introduces such products into interstate commerce. If TTB did not require disclosure of such product identity information under the prescribed legibility standards, TTB could not meet the requirements of the FAA Act. In addition, TTB believes that the proposed Alcohol Facts statement and major food allergen labeling requirements are also necessary to provide adequate information to consumers under the FAA Act. As the required product identity information, alcohol content, nutrient information, and major food allergen information is collected once for each product label, TTB cannot conduct this collection on a less frequent basis.

7. *Are there any special circumstances associated with this information collection that would require it to be conducted in a manner inconsistent with OMB guidelines?*

There are no special circumstances associated with this information collection that require it to be inconsistent with OMB guidelines.

8. *What effort was made to notify the general public about this collection of information? Summarize the public comments that were received and describe the action taken by the agency in response to those comments.*

To solicit comments from the general public regarding the proposed amendments to the information collection requirements contained under this collection approval, TTB has published two proposed rules in the Federal Register: (1) "Alcohol Facts Statements in the Labeling of Wines, Distilled Spirits, and Malt Beverages" (RIN 1513-AC93) and (2) "Major Food Allergen Labeling for Wines, Distilled Spirits, and Malt Beverages" (RIN 1513-AC94). See the Federal Register of January 17, 2025, at 90 FR 6654 and 5763, respectively. Each proposed rule will be open for comment, including for comment on the proposed information collections, for 90 days, until April 17, 2025.

9. *Was any payment or gift given to respondents, other than remuneration of contractors or grantees? If so, why?*

No payment or gift is or will be associated with this information collection request.

10. *What assurance of confidentiality was provided to respondents, and what was the basis for the assurance in statute, regulations, or agency policy?*

As a third-party disclosure made to the public on alcohol beverage product labels, TTB cannot provide an assurance of confidentiality for the product identity information currently required on such labels. For the two proposed information collections requiring Alcohol Facts and major food allergen disclosures on alcohol beverage product labels, as third-party disclosures to the public, TTB also cannot provide an assurance of confidentiality for the required information.

11. *What is the justification for questions of a sensitive nature? If personally identifiable information (PII) is being collected in an electronic system, identify the Privacy Impact Assessment (PIA) that has been conducted for the information collected under this request and/or the Privacy Act System of Records notice (SORN) issued for the electronic system in which the PII is being stored.*

This third-party disclosure information collection requirement as it currently exists, and as proposed, contains no questions of a sensitive nature, and it does not collect personally identifiable information (PII) in an electronic system. Therefore, no Privacy and Civil Liberties Impact Assessment (PCLIA) or System of Records Notice (SORN) is required for this information collection request.

12. *What is the estimated hour burden of this collection of information?*

Estimated Burden Hours: Based on recent data, TTB estimates that there are 13,000 annual respondents to this information collection request, the revised title of which will be “Labeling and Advertising Requirements, Alcohol Facts Statements, and Major Food Allergen Labeling of Wines, Distilled Spirits, and Malt Beverages under the Federal Alcohol Administration Act.” If the two proposed rules discussed above are finalized, the information collection request will contain three individual information collections: (1) the existing “Labeling and Advertising Requirements under the Federal Alcohol Administration Act” collection; (2) the proposed “Alcohol Facts Statements in the Labeling of Wines, Distilled Spirits, and Malt Beverages” collection; and (3) the proposed “Major Food Allergen Labeling for Wines, Distilled Spirits, and Malt Beverages” collection.

Of the estimated 13,000 total respondents to this information collection request, TTB estimates that all respondents will respond once annually to the Labeling and Advertising Requirements collection and once annually to the Alcohol Facts Statement collection. While most alcohol beverages do not contain major food allergens, some, such as malt beverages containing wheat and malt beverages and wines that use eggs or fish as processing aid, do contain such allergens. As such, TTB estimates that 10,000 of those total respondents also will respond once to the Major Food Allergen Labeling information collection. TTB further estimates that each response will require 1 hour to complete. Therefore, for this information collection request as a whole, TTB estimates that it has 13,000 annual respondents, with each making an average of 2.7692 annual responses at 1 hour per response (for an average of 2.7692 hours of burden per respondent), which results in an estimated total annual burden of 36,000 for this information collection request.

In summary, the estimated annual burden for this information collection request and the three information collections contained within it are as follows:

Labeling and Advertising Requirements under the Federal Alcohol Administration Act Information Collection Request (OMB No. 1513-0087)					
Information Collection	Number of Respondents	Responses per Year per Respondent	Total Annual Responses	Per Response Burden	Total Burden Hours
Product Identity & Content Information	13,000	1	13,000	1 hour	13,000 hours
Alcohol Facts Statement	13,000	1	13,000	1 hour	13,000 hours

Major Food Allergen Labeling	10,000	1	10,000	1 hour	10,000 hours
TOTALS	13,000	2.7692	36,000	2.7692 hours	36,000 hours

Estimated Respondent Labor Costs: Based on the average fully-loaded labor rate of \$52.17 per hour for compliance officers in the beverage manufacturing industry (NAICS 312100), TTB estimates the per-respondent and total respondent labor costs for this information collection as follows:³

Respondent Labor Costs for OMB No. 1513-0087					
Beverage Manufacturing - Compliance Officers Average Fully-Loaded Labor Rate = \$52.17/hour*					
Fully-loaded Labor Rate	Burden / Response	Responses / Respondent	Labor Cost / Respondent	Total Responses	Total Labor Costs
\$52.17 per hour	1 hour	2.7692	\$144.47	36,000	\$5,200,920.00

* The fully-loaded labor rate and respondent labor costs rounded to the nearest whole cent.

Recordkeeping: There is no stated recordkeeping requirement associated with this information collection request.

13. *What is the estimated annual cost burden to respondents or recordkeepers resulting from this information collection request (excluding the value of the hour burden in Question 12 above)?*

The public disclosure of information regarding product identity and content of alcohol beverage products through their labels and advertisements is a usual and customary business practice undertaken by respondents regardless of any regulatory requirement to do so. As such, under the OMB regulations at 5 CFR 1320.3(b)(2), TTB has determined that the Product Identity and Content Information on Labels and in Advertisements information collection contained under this collection request does not impose any start-up, capital, maintenance, or operational costs on respondents.

As for the proposed Alcohol Facts Statement and Major Food Allergen Labeling information collections, TTB believes that a significant proportion of the alcohol beverage industry already collects and maintains the required information regarding the nutrient and alcohol content of, and use of allergens in, their products during the normal course of business. In addition, because TTB is proposing a 5-year compliance date for the addition of that information to alcohol beverage labels, TTB believes that 100 percent of the required labeling changes will be undertaken as part of respondents' usual and customary scheduled labeling changes. Given these factors, TTB believes that this new information collection will not impose additional non-labor costs on respondents.

³ The Private Sector Fully-loaded Labor Rate = Hourly wage rate x 1.44 to account for employee benefit costs. Per the most recent U.S. Department of Labor, Bureau of Labor Statistics (BLS), data for National Industry-Specific Occupational Employment and Wage Estimates for NAICS 312100—Beverage Manufacturing, the average fully-loaded labor rate for Compliance Officers (occupation code 13-1041) is \$52.17, based on a mean hourly wage of \$36.23. See the BLS website at https://www.bls.gov/oes/current/naics4_312100.htm.

14. *What is the annualized cost to the Federal Government?*

There are no costs to the Federal Government associated with this third-party disclosure information collection request as it currently exists or as proposed.

15. *What is the reason for any program changes or adjustments reported?*

Program Changes:

As currently approved, this information collection request, approved under OMB No. 1513–0087, is titled “Labeling and Advertising Requirements under the Federal Alcohol Administration Act. If the two proposed rules discussed above are approved, the title of this information collection request will be retitled “Labeling and Advertising Requirements, Alcohol Facts Statements, and Major Food Allergen Labeling of Wines, Distilled Spirits, and Malt Beverages under the Federal Alcohol Administration Act.” And, if the two proposed rules discussed above are finalized, this information collection request will contain three individual information collections: (1) the existing “Labeling and Advertising Requirements under the Federal Alcohol Administration Act” collection; (2) the proposed “Alcohol Facts Statements in the Labeling of Wines, Distilled Spirits, and Malt Beverages” collection; and (3) the proposed “Major Food Allergen Labeling for Wines, Distilled Spirits, and Malt Beverages” collection.

The existing Labeling and Advertising Requirements information collection requires the disclosure of certain product identity and content information on alcohol beverage labels and in advertisements. This information includes the product’s brand name, its identity by type and class (e.g. “Chardonnay,” “bourbon,” “stout”), its alcohol content, its net contents, and its bottler, packer or importer by name and address, as well as the presence of FD&C Yellow No. 5, cochineal, carmine, and aspartame.

If the Alcohol Facts statement proposed rule is finalized, new information collection requirements for an Alcohol Facts statement will be added in proposed regulatory sections §§ 4.111–4.114 for wine labels, §§ 5.211–5.214 for distilled spirits labels, and §§ 7.211–7.214 for malt beverage labels. In addition, references to the new requirements for an Alcohol Facts statement will appear in §§ 4.32, 4.36, 4.38, 5.52, 5.63, 5.65, 7.52, 7.63, and 7.65. This new collection of information will be mandatory, and the likely respondents are for-profit businesses, including corporations, partnerships, and small businesses. Specifically, the new information collection would require alcohol beverage bottlers and importers to disclose the alcohol content of the product expressed as a percentage of alcohol by volume and in fluid ounces of pure ethyl alcohol per serving, as well as information about the number of calories and the amount, in grams, of carbohydrates, fat, and protein per serving. Bottlers and importers could present the Alcohol Facts statement in either a panel or a linear format.

If the Major Food Allergens Labeling proposed rule is finalized, TTB will revise existing regulatory sections to add new information collection requirements regarding the disclosure of major food allergens in alcohol beverages at §§ 4.32 and 4.32a for wine labels, §§ 5.63 and 5.75 for distilled spirits labels, and §§ 7.63 and 7.75 for malt beverage labels. This new information collection will be mandatory, and the likely respondents are for-profit businesses, including corporations, partnerships, and small businesses. Specifically, the new information collection would require alcohol beverage bottlers and importers to disclose

the presence of any of the nine major food allergens (milk, eggs, fish, Crustacean shellfish, tree nuts, wheat, peanuts, soybeans, and sesame), as well as ingredients that contain protein derived from these foods, if used in the production of the alcohol beverage, unless an exception applies. The disclosure would state "Contains major food allergen(s)" followed by a colon and the name of the food source from which each major food allergen is derived.

The addition of these two new mandatory information collections to the existing Labeling and Advertising Requirements information collection currently approved under this collection request will increase the estimated annual burden of this information collection request from 13,000 responses to 36,000, and the total burden hours for this request from 13,000 hours to 36,000. Of the estimated 13,000 respondents to this collection request, all 13,000 will respond to the Labeling and Advertising Requirements collection and the Alcohol Facts Statement collection, but TTB estimates that only 10,000 of those 13,000 will need to respond to the Major Food Allergens Labeling collection as not all alcohol beverages contain such allergens. Therefore, each respondent will make a minimum of two and a maximum of three annual responses to this information collection request, for an average of approximately 2.7692 responses per year per respondent.

Adjustments:

There are no adjustments to this information collection request and its burden estimate at this time.

16. Outline plans for tabulation and publication for collections of information whose results will be published.

TTB does not publish the results of this information collection request as it currently exists nor will TTB publish the results of the two proposed information collections contained in the two proposed rules related to Alcohol Facts statements and major food allergen labeling. (Alcohol beverage producers or bottlers disclose the currently-required and proposed information to the public on their product labels.)

17. If seeking approval to not display the expiration date for OMB approval of this information collection, what are the reasons that the display would be inappropriate?

This information collection request currently consists of, and, as proposed, will consist of certain alcohol beverage product information that is disclosed to consumers through product labels and advertisements. As such, there is no prescribed TTB form for this information collection request, and there is no medium for TTB to display its OMB approval expiration date.

18. What are the exceptions to the certification statement?

(c) See item 5 above.

(f) See item 12 above.

(g) As this information collection request consists of marks and labels placed by respondents on alcohol beverage containers, there is no prescribed medium for TTB to inform respondents of the information called for under 5 CFR 1320.8(b)(3).

(i) No statistics are involved.

B. Collection of Information Employing Statistical Methods.

This information collection request does not currently, and will not as proposed, employ statistical methods.