

# Nutrient Claims in the Labeling and Advertising of Wine, Distilled Spirits and Malt Beverages

## “Serving Facts” Panels

In July 2004 TTB posted on its Web site a summary of specifications for a planned ruling that will indicate the extent to which alcohol beverage labels and advertising may reflect information about a single serving in a “Serving Facts” panel. The ruling would provide guidance to industry members on what TTB will allow as optional serving facts information on labels and in advertising until we develop final regulations concerning such panels. It is possible that the results of the rulemaking will differ from the guidance in the ruling. After taking into consideration various comments we received on the posted specification summary and based on further review within TTB, we are setting forth a revised summary below. We have removed from the new summary the drink serving logos and all references to a “standard drink,” we have simplified the type and font specifications, and we have made some non-substantive editorial changes. We welcome comments on this new summary. If you have comments, please provide them to Frank Foote no later than October 6, 2004.

The proposed ruling will:

- Indicate that you may voluntarily label and advertise your products with a “Serving Facts” panel that lists specific facts about the product . An acceptable format for this optional serving information will be provided in the ruling.
- Clarify what information is acceptable in the panel. Although use of the panel itself is optional, if you choose to label your product with a Serving Facts panel, the panel must contain all the information presented below and must be consistent with the style and format specified below. In the interest of providing clear, consistent, and not misleading information to the consumer, no information other than what is provided below will be permitted on Serving Facts panels.
- Provide for placement of Serving Facts panels on any label on the alcohol beverage container.
- Indicate that you may voluntarily use the Serving Facts panel in lieu of the required Statement of Average Analysis on product labels and advertising that make calorie or carbohydrate claims.

## TTB PROPOSED SPECIFICATIONS

### ***Are all alcohol beverages required to bear a “Serving Facts” panel?***

The “Serving Facts” panel is optional.

### ***What information will TTB require in the optional “Serving Facts” panel?***

If you choose to label your product with a Serving Facts panel, the panel must include all of the following information:

- Serving size in fluid ounces
- Servings per container
- For each serving:
  - Fluid ounces of Alcohol (ethyl-alcohol) (to the nearest tenth of an ounce)
  - Calories
  - Grams of fat<sup>1</sup>
  - Grams of carbohydrates<sup>1</sup>
  - Grams of protein

TTB Procedure 2004-1 provides the labeling tolerances and procedures TTB will use to validate your label claims.

### ***May I include any additional information in the panel?***

No. You may include in the panel only the serving information that is specified. However, you may show other optional information that is not misleading elsewhere on the container or advertisement.

### ***May I place on my labels and/or advertisements a “Serving Facts” panel instead of a Statement of Average Analysis required by Ruling 2004-1?***

You may choose to use the Serving Facts panel in lieu of the required Statement of Average Analysis on product labels and advertisements that make calorie or carbohydrate claims.

### ***Where should the “Serving Facts” label be placed on alcohol beverage containers?***

The “Serving Facts” panel may be placed anywhere on the alcohol beverage container that is visible to the consumer.

<sup>1</sup> Fat and Carbohydrate figures are total figures calculated in accordance with TTB Procedure 2004-1. We will not permit these categories to be broken down into subcategories at this time.

**What are the minimum type sizes and other format requirements for the optional “Serving Facts” panel?**

Serving Facts information must be presented on alcohol beverages in the following format.

- The Serving Facts information must be set off in a box by use of hairlines with all black or one color type, printed on a white or other neutral contrasting background.
- The Serving Facts panel may be presented in either a horizontal or vertical orientation. You may change the proportions of the panel from those shown in the examples.
- All information within the Serving Facts panel must utilize:
  - A single easy-to-read type style,
  - Upper and lower case letters,
  - At least one point leading (i.e. space between lines of text), and
  - None of the letters should touch other letters, numbers or lines.
- Serving Facts information must be presented on the panel in the following order:
  - Serving size in fluid ounces
  - Servings per container
  - Calories
  - Fluid ounces of Alcohol (ethyl-alcohol) (to the nearest tenth of an ounce)
  - Grams of fat
  - Grams of carbohydrates
  - Grams of protein
- The following information must not be bolded and must be in type or printing not smaller than 1 millimeter for containers of 237 milliliters (8 fluid ounces) or less or not smaller than 2 millimeters for containers of more than 237 milliliters:
  - Serving size, including the numeric figure denoting the size in fluid ounces.
  - Servings per container, including the numeric figure denoting the correct number (rounded to the nearest whole serving).
  - Numeric figures denoting calories; fluid ounces of alcohol; grams of fat, carbohydrates, and protein.
- The following headings must be highlighted by bold or extra bold type or printing that prominently distinguishes them from other information and must be in type or printing no smaller than that specified below:
  - “Serving Facts” (type or printing size no smaller than 2 millimeters for containers of 237 milliliters or less or no smaller than 4 millimeters for containers of more than 237 milliliters).
  - “Amount per serving” (type or printing no smaller than 1 millimeter for containers of 237 milliliters or less or no smaller than 2 millimeters for containers of more than 237 milliliters).
  - “Calories,” “Alcohol,” “Fat,” “Carbohydrates,” and “Protein” (type or printing no

smaller than 1 millimeter for containers of 237 milliliters or less or no smaller than 2 millimeters for containers of more than 237 milliliters).

- A 3-point bar should separate the serving size and servings per container information from the amount per serving information, a 2-point bar should appear under the “Amount Per Serving” heading, and the outer box and inner lines should be .5-point thickness.
- The following abbreviations may be used:
  - fl oz for fluid ounces
  - g for grams
- Expression of decimal amounts less than 1 must include a zero prior to the decimal point (0.5 fl oz).

### Sample “Serving Facts” Panels.

The illustrations below represent acceptable formatting for a “Serving Facts” panel. Any of the versions shown may be used on distilled spirits, wine, or malt beverage labels. You may use variations of this panel as long as it adheres to one of the basic formats specified above and shown below.

#### Distilled Spirits (100 Proof)

<b>Serving Facts</b>		<b>Amount Per Serving</b>	
Serving Size 1.5 fl oz		<b>Fat</b>	0g
Servings Per Container 17		<b>Carbohydrates</b>	0g
<b>Calories per serving</b> 121		<b>Protein</b>	0g
<b>Alcohol per serving</b> 0.75 fl oz			

**Dry Red Wine (14% ABV)**

**Malt Beverage (4 % ABV)**

**Effective Date**

This proposed ruling would be to future applications for well as for pending applications.

<b>Serving Facts</b>	
Serving Size 5 fl oz	
Servings Per Container 5	
<b>Amount Per Serving</b>	
<b>Calories</b>	120
<b>Alcohol</b>	0.7 fl oz
<b>Fat</b>	0g
<b>Carbohydrates</b>	3g
<b>Protein</b>	0g

effective immediately with regard certificates of label approval as

<b>Serving Facts</b>	
Serving Size 12 fl oz	
Servings Per Container 1	
<b>Amount Per Serving</b>	
<b>Calories</b>	90
<b>Alcohol</b>	0.5 fl oz
<b>Fat</b>	0g
<b>Carbohydrates</b>	2.2g
<b>Protein</b>	0.8g