



EMBAJADA DE ESPAÑA  
Consejería de Agricultura, Pesca y Alimentación  
2375 Pennsylvania Ave., N.W.  
Washington, D.C. 20037

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December 22<sup>nd</sup>, 2006

Director, Regulations and Rulings Division  
Alcohol and Tobacco Tax and Trade Bureau  
Attn: Notice No. 62  
P.O. Box 14412  
Washington DC 20044-4412

Dear Sir/Madam,

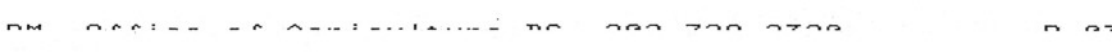
The Government of the Kingdom of Spain would like to thank TTB for the opportunity to send public comments with regard to the notice of proposal rulemaking about "Major Food Allergen Labeling for Wines, Distilled Spirits and Malt Beverage" [Notice No 62].

In this notice, the Alcohol and Trade Tobacco Tax and Trade Bureau proposes the adoption of mandatory labeling standards for major food allergens used in the production of alcohol beverage. We understand and agree with the importance of providing to allergic consumers with adequate label information in the alcohol beverage.

The European Union Directive 2003/89/EC amending Directive 2000/12/EC as regards indication of the ingredients present in food stuffs, requires the mandatory labeling of specified food ingredients which are listed on Annex IIIa of the Directive. The Directive considers that in order to provide all consumers with better information and to protect the health of certain consumers, it should be made obligatory to include in the list of ingredients all ingredients and other substances present in the food stuff. In the case of alcohol beverage, it should be mandatory to included in the labeling all ingredients with allergic effect present in the beverage concerned.

The list includes, and extends, all the major food allergen considered in the TTB proposed rulemaking. These ingredients are:

- Cereals containing gluten (i.e. wheat, rye, barley, oats, spelt, kamut or their hybridised strains) and products thereof
- Crustaceans and products thereof





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**FAX**

<b>To:</b> Director, Regulations and Rulings Division. TTB	<b>From:</b> Office of Agriculture, Fisheries and Food Embassy of Spain
<b>Fax N°</b> 202-927-8525	<b>Fax N°</b> (202) 728 2320

**RE: Comments. Notice No 62 (Major food allergen labeling for wines, distilled spirits and malt beverages)**

Total number of pages: 4 Date: 22/12/2006

Dear Sir/Madam,

Please find enclosed the comments of the Government of Spain to the TTB notice of proposed rulemaking regarding Major Food Allergen Labeling for Wines, Distilled Spirits and Malt Beverages. (Notice No 62).

These comments have just been sent by e-mail too.

Sincerely,

Office of Agriculture, Fisheries and Food  
Embassy of Spain



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- Eggs and products thereof
- Fish and products thereof
- Peanuts and products thereof
- Soybeans and products thereof
- Milk and products thereof (including lactose)
- Nuts i.e. Almond (*Amygdalus communis* L.), Hazelnut (*Corylus avellana*), Walnut (*Juglans regia*), Cashew (*Anacardium occidentale*), Pecan nut [*Carya illinoensis* (Wangenh.) K. Koch], Brazil nut (*Bertholletia excelsa*), Pistachio nut (*Pistacia vera*), Macadamia nut and Queensland nut (*Macadamia ternifolia*) and products thereof
- Celery and products thereof
- Mustard and products thereof
- Sesame seeds and products thereof
- Sulphur dioxide and sulphites at concentrations of more than 10 mg/kg or 10 mg/litre expressed as SO<sub>2</sub>."

The Directive states that the list shall be systematically re-examined and where necessary updated on the basis of the most recent scientific knowledge. Updating could also be effected by the deletion from Annex IIIa of ingredients for which it has been scientifically established that it is not possible for them to cause adverse reactions. The Commission may be notified of the studies currently being conducted by food manufacturers or their associations to establish whether ingredients or substances, derived from ingredients listed are not likely, under specific circumstances, to trigger adverse reactions. The Commission shall, after consultation with the European Food Safety Authority (EFSA), adopt a list of those ingredients or substances, which shall consequently be excluded from Annex IIIa, pending the final results of the notified studies, or at the latest until 25 November 2007.

In consequence, the European Commission published Directive 2005/26/EC establishing a list of food ingredients or substances provisionally excluded from Annex IIIa of Directive 2000/13/EC. Based on all the information received and available, the EFSA has considered that certain products of ingredients are not likely, or not very likely, to cause adverse reactions in susceptible individuals. In certain cases, EFSA has concluded that it cannot draw a firm conclusion, though no reported cases were mentioned.

The ingredients provisionally excluded with specific mention to alcohol beverage are:

<i>Ingredients</i>	<i>Products thereof provisionally excluded</i>
Cereals containing gluten	Cereals used in distillates for spirits
Eggs	Lysozym (produced from egg) used in wine Albumin (produced from egg) used as fining agent in wine and cider
Fish	Fish gelatine used as carrier for vitamins and flavours Fish gelatine or Isinglass used as fining agent in beer, cider and wine

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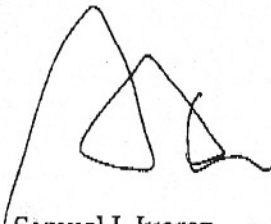
Milk	Whey used in distillates for spirits Lactitol Milk (casein) products used as fining agents in cider and wines
Nuts	Nuts used in distillates for spirits Nuts (almonds, walnuts) used (as flavour) in spirits

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In the notice of proposed rulemaking TTB specifically solicits comments on seven issues one of them regarding fining or processing agents. Also there is a section about petition for exemption from TTB regulation. We believe that TTB should consider to establish a provisional list of allergens excluded for labeling until more scientific information were available.

Thank you for the opportunity to comment on this rulemaking.

Yours faithfully,



Samuel J. Juarez  
Counselor of Agriculture, Fisheries and Food  
Embassy of Spain