

Advocacy Suggests Alternatives to the TTB's Proposed Rule on the Modernization of Labeling and Advertising Regulations for Wine, Distilled Spirits, and Malt Beverages

On August 6, 2019, the Office of Advocacy sent a letter to the Alcohol and Tobacco Tax and Trade Bureau (TTB) suggesting the agency consider alternatives to two provisions in the *Modernization of Labeling and Advertising Regulations for Wine, Distilled Spirits, and Malt Beverages* proposed rule. A copy of Advocacy's letter may be accessed at <https://advocacy.sba.gov>.

- On November 26, 2018, the TTB published in the Federal Register a proposed rule titled *Modernization of the Labeling and Advertising Regulations for Wine, Distilled Spirits, and Malt Beverages*. (83 Fed. Reg. 60,562).¹
- TTB proposes to make several changes to the labeling and advertising regulations for wine, distilled spirits, and malt beverages. TTB proposes to change the definition of "oak barrel" to a "cylindrical oak drum of approximately 50 gallons used to age bulk spirits."
- While generally supportive of the proposed rule's changes, small distillers informed Advocacy that the proposed definition of "oak barrel" would be unduly burdensome on the industry.
- Advocacy commended the TTB on its logical reorganization of the labeling and advertising rules and for streamlining some of its processes, but Advocacy suggested that the TTB either not include the proposed definition of "oak barrel" in the final rule or publish a supplement initial regulatory flexibility analysis more accurately describing the definition's effect on small businesses that age bulk spirits and considering less burdensome alternatives.
- Advocacy also suggested that the TTB follow the suggestions of the mead industry to create a separate class and type of wine for mead as it has done in the proposed rule for rice wine.
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¹ The proposed rule's comment period was extended to the end of June 2019. (84 Fed. Reg. 9,990).