



Consumer Federation of America

June 20, 2023

Gina M. Raimondo,
Secretary of Commerce
U.S. Department of Commerce
1401 Constitution Ave NW
Washington, DC 20230

VIA EMAIL

RE: U.S. position on Ireland's Public Health (Alcohol) Bill and related labeling regulations in World Trade Organization Technical Barriers to Trade Committee

Dear Secretary Raimondo:

The undersigned consumer and public health organizations write to express strong support for Ireland's Public Health (Alcohol) Bill and implementing regulations, and to urge you not to oppose the new labeling requirements in the World Trade Organization's Technical Barriers to Trade Committee.¹ Several countries have argued that the labeling requirements required under Ireland's law are unlawful trade barriers within the European Union's Technical Regulation Information System (TRIS) process, and according to media reports, the U.S. may be joining these countries in seeking to nullify Ireland's legislature within the WTO process.² Such an attack on scientifically sound, popularly supported public policy would undermine U.S. credibility on the world stage and, ultimately, undercut public health within the U.S.

For too long, consumers in the United States have not had the benefit of an updated health warning statement on alcoholic beverages, nor of the most basic information characterizing the calorie and alcohol content of alcoholic beverages. In 2003, many of our groups petitioned federal regulators to require information on alcohol labels, including the amount of alcohol in fluid ounces per suggested serving, the number of calories, and ingredients.³ More recently, several of this letter's signatories petitioned federal

¹ See 1. G/TBT/n/IRL/4, June 2, 2023, https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S009-DP.aspx?language=E&CatalogueIdList=291646%2C288885%2C276220%2C270922%2C259685%2C237876%2C233798%2C229484%2C229252%2C133984&CurrentCatalogueIdIndex=0&FullTextHash=&HasEnglishRecord=True&HasFrenchRecord=False&HasSpanishRecord=False.

² "Strong International Opposition to Ireland's Alcohol Labelling Proposals," Strong International Opposition to Ireland's Alcohol Labelling Proposals - Drinks Ireland, May 16, 2023, <https://www.ibec.ie/drinksireland/news-insights-and-events/news/2023/05/16/strong-international-opposition-to-irelands-alcohol-labelling-proposals>.

³ See Linda F Golodner and George A Hacker, Petition to Improve Mandatory Label Information on Alcoholic Beverages, December 16, 2003, <https://www.cspinet.org/sites/default/files/attachment/031216IngLabelingPetition.pdf>.

regulators to act pursuant to the Alcoholic Beverage Labeling Act of 1988 (ABLA) and to recommend that Congress update the health warning statement on alcohol to include a cancer warning.⁴

Until now, the alcohol industry has successfully thwarted these efforts in the United States, despite widespread consumer support for better labeling. However, the Irish people have prevailed upon their democratically elected leaders to require better labels. Under the new law, alcohol labels will have to state calorie content and grams of alcohol per serving and per container, along with warnings about the risk of consuming alcohol when pregnant,⁵ and the risk of liver disease and fatal cancers from alcohol consumption. According to a representative survey, 81.9% of Irish adults support the warning labels.⁶ Thanks in part to alcohol industry opposition, the law is not set to go into effect until May of 2026, nearly a decade after the Irish parliament passed it in 2018.⁷

According to a recent news article, “so far the United States, the Dominican Republic and Cuba have declared they will make ‘comments’ about the law, and several more countries are believed to have seconded their concerns.”⁸ This letter cannot directly address your Department’s objections to Ireland’s law because no official U.S. comment has been made publicly available.

The objections voiced by alcohol industry trade groups and other opponents of the law, however, are not persuasive, as some of our groups have previously explained in comments on the EU TRIS process.⁹ In particular, Ireland’s proposed law will not confuse consumers because it deviates from alcohol labeling practices adopted in the United States. Rather, U.S. labeling requirements leave consumers confused, precisely because they lack the elements soon to appear on beverages for sale in Ireland. Reforms like those proposed in Ireland will significantly help to raise awareness about the risks associated with alcohol consumption, and support more informed decisions by consumers who choose to drink alcohol.

And indeed, significant reforms appear to be on the horizon in the United States as well, where the Treasury Department is poised to propose rulemaking on several of the recommendations urged by our groups. Last spring, in response to a lawsuit filed by several of the undersigned groups, the Treasury Department agreed to issue proposed rules requiring standardized alcohol content, calorie, and allergen

⁴ See Thomas Gremillion, “Consumer, Public Health Groups Petition for Cancer Warning on Alcohol,” Consumer Federation of America, October 21, 2020, <https://consumerfed.org/testimonial/consumer-public-health-groups-petition-for-cancer-warning-on-alcohol/>.

⁵ Ireland is estimated to have the third highest incidence of fetal alcohol spectrum disorder (FASD) in the world. Shannon Lange, Charlotte Probst, et al. “Global Prevalence of Fetal Alcohol Spectrum Disorder Among Children and Youth: A Systematic Review and Meta-Analysis,” *JAMA pediatrics*, October 1, 2017, <https://pubmed.ncbi.nlm.nih.gov/28828483/>. (“Of 187 countries, South Africa was estimated to have the highest prevalence of FASD at 111.1 per 1000 population (95% CI, 71.1-158.4 per 1000 population), followed by Croatia at 53.3 per 1000 population (95% CI, 30.9-81.2 per 1000 population) and Ireland at 47.5 per 1000 population (95% CI, 28.0-73.6 per 1000 population).”).

⁶ Susan Calnan, et al. “Support for Evidence-Based Alcohol Policy in Ireland: Results from a Representative Household Survey,” *European Journal of Public Health*, April 2023, <https://academic.oup.com/eurpub/issue/33/2>.

⁷ See Department of Health, “Ministers for Health Bring into Law the World’s First Comprehensive Health Labelling of Alcohol Products,” Government of Ireland, May 22, 2023, <https://www.gov.ie/en/press-release/03997-ministers-for-health-bring-into-law-the-worlds-first-comprehensive-health-labelling-of-alcohol-products/>.

⁸ See Naomi O’Leary, “Alcohol Label Wars: Ireland’s New Warning Law Faces Fight at World Trade Organisation,” *The Irish Times*, June 11, 2023, <https://www.irishtimes.com/world/europe/2023/06/11/label-wars-irelands-new-alcohol-warning-law-heads-for-fight-at-world-trade-organisation/>. (reporting that “So far the United States, the Dominican Republic and Cuba have declared they will make “comments” about the law, and several more countries are believed to have seconded their concerns.”).

⁹ See Thomas Gremillion, “CFA Asks EU Regulators to Greenlight Ireland Alcohol Labeling Law, Despite Industry Objections,” Consumer Federation of America, September 22, 2022, <https://consumerfed.org/testimonial/cfa-asks-eu-regulators-to-greenlight-ireland-alcohol-labeling-law-despite-industry-objections/>.

labeling on all beer, wine, and distilled spirits products under its jurisdiction. The Treasury Department also agreed to begin preliminary rulemaking on mandatory ingredient labeling.¹⁰ The U.S. trade authority should allow this democratic process to play out, and not attempt to oppose provisions adopted abroad that may soon become standards in the United States.

In addition to requiring calorie and grams of alcohol disclosures, health warnings such as those proposed in Ireland would help to address the low levels of public awareness regarding alcohol cancer risk. In the United States, cancer now causes a similar number of deaths to heart disease.¹¹ Alcohol consumption represents the third leading modifiable cancer risk factor, after cigarette smoking and excess body weight— ahead of factors including UV radiation exposure, processed meat consumption, and human papillomavirus (HPV) infection.¹² Researchers estimate that, between 2013 and 2016, alcohol use accounted for 75,199 cancer cases and 18,947 cancer deaths annually in the United States.¹³ An estimated 26-35% of those deaths were associated with “moderate” consumption, defined as 1.5 drinks (20g) per day or less on average.¹⁴ The Surgeon General has acknowledged that “even moderate drinking” appears to increase breast cancer risk, the leading cause of alcohol-attributable cancer deaths for women.¹⁵ Researchers with the American Institute for Cancer Research (AICR) estimate that alcohol may account for as many as 7,300 breast cancer deaths annually— some 15% of all such deaths.¹⁶

Despite this toll on public health, most consumers remain unaware of the alcohol-cancer risk. Responses from 10,940 U.S. women aged 15-44 years participating in the National Survey of Family Growth (NSFG) showed that 88% recognized that a family history of breast cancer increases an individual’s risk for breast cancer. But in response to the question: “Do you think that drinking alcoholic beverages increases a woman’s chances of getting breast cancer a lot, a little, or not at all or do you have no opinion?”, just 24.6% answered ‘a lot’ or ‘a little,’ with 27.4% expressing “no opinion.”¹⁷ These results are consistent with polling in Ireland, which has reportedly found that 79% of the public is not aware of the link between alcohol and breast cancer.¹⁸

¹⁰ See Amy Greenberg, Director, Regulations and Rulings Division, Dept. of Treasury Alcohol and Tobacco Tax and Trade Bureau, Letter to Peter Lurie, Susan Weinstock, and Sally Greenberg (Nov. 17, 2022) *available at*: <https://www.cspinet.org/resource/tb-letter-re-alcohol-facts-label-petition>

¹¹ Jiaquan Xu and Sherry L Murphy, “Mortality in the United States, 2021,” Centers for Disease Control and Prevention, December 22, 2022, <https://stacks.cdc.gov/view/cdc/122516>. The top three causes of death in 2021 were heart disease (695,547), cancer (605,213) and COVID-19 (416,893).

¹² Farhad Islami, et al. “Proportion and Number of Cancer Cases and Deaths Attributable to Potentially Modifiable Risk Factors in the United States,” *American Cancer Society Journals*, November 21, 2017, <https://acsjournals.onlinelibrary.wiley.com/doi/10.3322/caac.21440>.

¹³ Ann Goding Sauer and Stacey A Fedewa, et al “Proportion of Cancer Cases and Deaths Attributable to Alcohol Consumption by US State, 2013-2016,” *Science Direct*, January 19, 2021, <https://doi.org/10.1016/j.canep.2021.101893>.

¹⁴ David E Nelson, Dwayne W Jarman, et al. “Alcohol-Attributable Cancer Deaths and Years of Potential Life Lost in the United States,” *AJPH*, March 8, 2013, <https://ajph.aphapublications.org/doi/full/10.2105/AJPH.2012.301199>.

¹⁵ Kana Enomoto, et al. “Facing Addiction in America: The Surgeon General’s Report on Alcohol, Drugs, and Health,” U.S. Department of Health and Human Services, November 2016, <https://addiction.surgeongeneral.gov/sites/default/files/surgeon-generals-report.pdf>.

¹⁶ “Alcohol Shortens Life and Ups Cancer Death Risk,” *American Institute for Cancer Research*, February 15, 2013, <https://www.aicr.org/resources/blog/study-daily-alcohol-drink-shortens-life-and-ups-cancer-death-risk/>.

¹⁷ Jaya S Khushalani, et al. “Awareness of Breast Cancer Risk Related to a Positive Family History and Alcohol Consumption among Women Aged 15–44 Years in United States,” *ScienceDirect*, December 9, 2019, <https://doi.org/10.1016/j.pmedr.2019.101029>.

¹⁸ Naomi O’Leary, “Alcohol Label Wars: Ireland’s New Warning Law Faces Fight at World Trade Organisation,” *The Irish Times*, June 11, 2023, <https://www.irishtimes.com/world/europe/2023/06/11/label-wars-irelands-new-alcohol-warning-law-heads-for-fight-at-world-trade-organisation/>.

Other U.S. survey data reveals a similar lack of knowledge with respect to alcohol’s contribution to cancer risk more broadly. Less than half of over a thousand respondents have ever answered “yes” to the question, “Do you believe alcohol has a significant effect on whether or not the average person develops cancer?” in an AICR survey conducted at various times since 2001.¹⁹ These results are consistent with the National Cancer Institute’s Health Information National Trends Survey (HINTS), which found that even fewer respondents identified alcohol as a cancer risk factor. Indeed, ten percent of respondents to the 2020 HINTS indicated (incorrectly) that drinking wine decreases the risk of getting cancer.²⁰ Particularly disturbing, a 2015 study of 593 survivors of colorectal cancer—a cancer for which alcohol is an established risk factor²¹—found that “15% had never heard of recommendations to limit alcohol,” and 11 percent were only “slightly familiar” with those recommendations.²²

The alcohol industry has inundated the public sphere with advertising and biased studies that have distorted popular perceptions of alcohol risk.²³ Consumers have a right to accurate information about alcohol, and policymakers in the United States should update alcoholic beverage labeling to provide this information and prevent unwitting harm. In the meantime, U.S. trade officials should not obstruct sound public health policy, made by democratically elected officials with strong public support, in other countries.

Thank you for your consideration of this letter. If you have questions or would like to further discuss any of the points raised in this letter, please contact Thomas Gremillion via email: tgremillion@consumerfed.org or telephone: 202-939-1010 and we will be glad to meet with you and your colleagues.

Sincerely,

Alcohol Justice
American Institute for Cancer Research
American Public Health Association
Breast Cancer Prevention Partners
Center for Science in the Public Interest
Consumer Federation of America
United States Alcohol Policy Alliance

¹⁹ “2019 AICR Cancer Risk Awareness Survey,” American Institute for Cancer Research, 2019, <https://www.aicr.org/assets/can-prevent/docs/2019-Survey.pdf>.

²⁰ See “Health Information National Trends Survey Questions,” National Cancer Institute, 2020, <https://hints.cancer.gov/view-questions-topics/all-hints-questions.aspx>.

²¹ See “IARC Monographs on the Evaluation of Carcinogenic Risks to Humans: Alcohol Drinking,” World Health Organization International Agency for Research on Cancer, 1988, <https://monographs.iarc.who.int/wp-content/uploads/2018/06/mono44.pdf>.

²² Nikki A Hawkins, Zahava Berkowitz, and Juan L Rodriguez, “Awareness of Dietary and Alcohol Guidelines among Colorectal Cancer Survivors,” *American Journal of Preventive Medicine*, November 18, 2015, <https://www.sciencedirect.com/science/article/pii/S0749379715004869>.

²³ See, e.g. David Jernigan and Craig S Ross, “The Alcohol Marketing Landscape: Alcohol Industry Size, Structure, Strategies, and Public Health Responses,” *Journal of Studies on Alcohol and Drugs*, February 21, 2020, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7064002/>. (noting that alcohol companies are among the largest advertisers in the world); Roni Rabin. “It Was Supposed to Be an Unbiased Study of Drinking. They Wanted to Call It ‘Cheers.’” *N.Y. Times*, June 18, 2018 (detailing “disturbing examples of coordination between scientists and the alcohol industry.”).