



## Transition Memo on the Regulation of the Safety of Alcoholic Beverages

The FDA's Center for Food Safety and Applied Nutrition (CFSAN) is responsible for ensuring the safety, honest labeling, and healthfulness of much of the American food supply, but with regard to alcoholic beverages it has delegated much of that responsibility the Treasury Department (Alcohol and Tobacco Tax and Trade Bureau). That delegation may have contributed to safety crises that occurred over the years:

- Cobalt sulfate was used as a foam enhancer in beer. The additive was usually safe, but in the 1960s it was found to cause congestive heart failure and deaths in heavy drinkers. (It was banned in 1966.)
- In the 1970s, many brands of beer were discovered to be contaminated with nitrosamines, a cancer-causing chemical that formed during the manufacturing process. (Companies were required to change their practices.)
- In the early 1980s, sulfites, a preservative in almost all wines (as well as fresh lettuce and potatoes), were linked to severe reactions and deaths in asthmatics. (Sulfites were ultimately banned from fresh foods and limited in alcoholic beverages.)
- In the late 1980s, many bourbons, table wines, and other alcoholic beverages were discovered to be contaminated with urethane, a cancer-causing chemical. (Companies were pressed to change their practices and minimize the contamination.)
- In 2007-08, brewers began adding caffeine to malt beverages that were heavily marketed to young consumers. The caffeine masked the inebriating effects of the alcohol, resulting in injuries and deaths to youths who thought they were not drunk. (A lawsuit by CSPI and threat by state attorneys general forced Anheuser-Busch and MillerCoors to stop marketing caffeinated alcoholic beverages.)

Consumer safety of alcoholic beverages is not central to the Treasury Department's (or the Tax and Trade Bureau's) primary missions of collecting taxes and approving technical aspects of product labels. Currently, TTB relies strongly on the expertise and experience within FDA when it comes to addressing products that are adulterated or otherwise pose risks to consumers because of their ingredients. The FDA is far better equipped than TTB to monitor and regulate the ingredients in alcoholic beverages, as it does for foods. (Alcoholic beverages constitute about five percent of the calories Americans consume.) The Obama administration should quickly rescind the Memorandum of Understanding (November 20, 1987) between FDA and TTB (at that time called the Bureau of Alcohol, Tobacco, and Firearms) and restore the regulation of ingredients and contaminants in alcoholic beverages to the agency that focuses on consumer health. That change would help bring about the consolidation of food-safety responsibilities.

December 19, 2008