

**BEFORE THE
DEPARTMENT OF THE TREASURY
ALCOHOL AND TOBACCO TAX AND TRADE BUREAU**

**Labeling and Advertising of Wines, Distilled Spirits and Malt Beverages
Notice No. 41**

**Comments of the Staff of the
Bureau of Consumer Protection,
the Bureau of Economics,
and the Office of Policy Planning of the Federal Trade Commission**

January 27, 2008*

*These comments represent the views of the staff of the Bureau of Consumer Protection, the Bureau of Economics, and the Office of Policy Planning of the Federal Trade Commission. They are not necessarily the views of the Federal Trade Commission or any individual Commissioner. The Commission has, however, voted to authorize the staff to submit these comments.

I. INTRODUCTION

The Alcohol and Tobacco Tax and Trade Bureau (“TTB”) of the U.S. Department of Treasury has requested comments on a notice of proposed rulemaking (“NPRM”) with regard to labeling and advertising of beverage alcohol.¹ In addition, TTB has requested submission of data regarding consumer alcohol consumption.²

Under the proposed rules, all alcohol products will be required to disclose alcohol content in the form of alcohol by volume (“ABV”); this disclosure may appear on any label affixed to the container.³ In addition, TTB has adopted standard serving sizes for all beverages and will now require all alcohol labels to include a Serving Facts panel that will include disclosures of serving size and servings per container and, for each serving, the quantity of calories, fat, carbohydrates, and protein. For example, Figure 1 is the proposed Serving Facts label for a 24-ounce malt beverage containing 4 percent ABV:⁴

Serving Facts	
Serving Size	12 fl oz (355 ml)
Servings Per Container	2
	Amt Per Serv.
Calories	90
Carbohydrate	2g
Fat	0g
Protein	1g

Figure 1

As discussed below, the majority of American adults consume alcohol, and a significant minority of consumers engage in patterns of heavy alcohol consumption. Because the alcohol and nutrients in beverage alcohol products can affect health, information about these ingredients can help consumers make better-informed decisions. Accordingly, the FTC staff supports TTB’s

proposal to increase substantially the amount of information contained on alcohol labels. The FTC staff recommends that TTB require labels to disclose pure alcohol content in fluid ounces per serving (rather than in the form of ABV) and specify that this disclosure should appear within the Serving Facts panel. In addition, the FTC staff recommends that TTB consider permitting alcohol marketers to make representations about recommended limitations on alcohol intake, and the availability of federal health guidance on that point, in a truthful, non-misleading manner.⁵

The FTC has substantial experience challenging unfair or deceptive acts and practices related to alcohol advertising and labeling⁶ as a violation of Section 5 of the Federal Trade Commission Act.⁷ The FTC shares with TTB jurisdiction over the advertising of alcohol, and the two agencies often coordinate activities to provide consistent guidance regarding matters within their joint jurisdiction.

The FTC staff also has conducted extensive empirical research concerning the effect of advertising claims, including health and nutrient content claims for foods.⁸ This research suggests that government regulations that require or allow marketers to provide nutrient content and health information to consumers may have a significant effect on the type and amount of health information they receive, which, in turn, may affect the products they purchase and use. It also suggests that such regulations may facilitate competition among marketers based upon disclosed attributes, potentially leading to useful product innovations.

Drawing on its law enforcement experience and its research, the FTC staff has filed comments with other agencies advocating policies permitting health and nutrient content claims that it believed would benefit consumers, including comments addressing such claims for beverage alcohol⁹ and foods.¹⁰ In July 2005, the staff submitted a comment in response to TTB's

advance notice of proposed rulemaking (“ANPRM”) in this same matter.¹¹ The FTC staff appreciates the opportunity to provide views to the TTB as part of this rulemaking proceeding.

II. RESEARCH ON CONSUMER DRINKING PATTERNS

Empirical data regarding American drinking patterns are relevant to determining whether the proposed regulations are likely to provide adequate information to consumers who purchase and use beverage alcohol products. The available research shows that most American adults drink and that alcohol intake is likely to play a significant role in consumer health, given the manner in which it is often consumed.

About 65 percent of Americans drink alcohol.¹² Studies evaluating alcohol consumption typically have assumed that a “standard” drink contains 0.5 or 0.6 ounces of ethanol (pure alcohol), equivalent to 12 or 14 grams, respectively. In one study, the mean amount of ethanol in drinks that consumers poured for themselves at home was 0.56 ounces for beer, 0.66 ounces for wine, and 0.89 ounces for distilled spirits; across beverage types, the mean drink contained 0.67 ounces of ethanol, 11.7 percent larger than the 0.6 ounce standard.¹³ A study of college students showed that students over-poured shots by 26 percent, mixed drinks by 80 percent, and beer by 25 percent.¹⁴ A study of urban residents from South Los Angeles showed an average serving size of 16 ounces for beer or 20 ounces for malt liquor style beers.¹⁵ In a study of urban pregnant women from groups most at risk for fetal alcohol syndrome, participants were found to consume malt liquor, fortified wine, and distilled spirits drinks that were several times an assumed standard of 12 grams of ethanol.¹⁶ Thus, many consumers pour larger-than-standard drink sizes, and over-pouring appears to occur regardless of the type of alcohol involved.

Other studies have evaluated the number of drinks consumed per drinking occasion. In a

survey designed to identify the typical amount of alcohol that Americans consumed on days when they drank alcohol, men reported a mean of 3.2 drinks, and women a mean of 2.2 drinks, where a drink was defined as one containing 12 grams of ethanol.¹⁷ Further, a substantial proportion of consumers engage in regular binge drinking, that is, consumption of 5 or more drinks in a row on a single occasion.¹⁸

Age	Binge Drinking Rate
21-24	42%
23-24	43%
25-26	36%
27-28	33%
29-30	29%
35	22%
40	20%
45	20%

Among persons ages 19-30, 13 percent report drinking *10 or more drinks in a row* in the last 2 weeks, and 5.1 percent report drinking *15 or more drinks in a row* on a single occasion in the past 2 weeks.¹⁹

These data, taken together, support the conclusion that a significant portion of Americans engage in patterns of heavy alcohol consumption.²⁰ The U.S. Dietary Guidelines for Americans summarizes the risks of heavy drinking as follows:

Excess alcohol consumption alters judgment and can lead to dependency or addiction and other serious health problems such as cirrhosis of the liver, inflammation of the pancreas, and damage to the heart and brain. Even less than heavy consumption is associated with significant risks. Consuming more than one drink per day for women and two drinks per day for men increases the risk for motor vehicle accidents, other injuries, high blood

pressure, stroke, violence, some types of cancer, and suicide.²¹

Additionally, even for those who drink moderately, beverage alcohol consumption may contribute significantly to their calorie and other nutrient intake. Accordingly, improved alcohol product labels may help allow consumers to make better-informed decisions about drinking.

III. STAFF RECOMMENDATIONS REGARDING ALCOHOL LABELING

A. Alcohol Content Disclosure

TTB states that the alcohol content of a beverage is one of the most important pieces of information about that product.²² It concludes that the display of a percentage of ABV is the best way to express alcohol content on a product label or in advertisements, because “consumers are familiar with alcohol content expressed in this manner.”²³ The proposed regulations require that all products disclose alcohol content, expressed as a percent of ABV (denominated as “Alcohol by volume,” “alc/vol,” or “Alc by vol.”)²⁴ on all alcohol beverage products, including table wines and malt beverages.²⁵ This disclosure may appear on “any label affixed to the container,” *i.e.*, it need not appear on the newly proposed Serving Facts label.²⁶

Disclosure of alcohol content in fluid ounces per serving is not required by the proposed regulations, but it is permitted at the marketer’s discretion. If a marketer desires to disclose alcohol content in fluid ounces, this information must be presented in conjunction with an ABV disclosure in the Serving Facts panel.

Examples of Serving Facts labels that would comply with TTB’s proposed regulations are set forth below. Figure 2 is an example of a Serving Facts panel that could be used by a marketer who chose not to disclose alcohol in fluid ounces, whereas Figure 3 is an example of a Serving Facts label that could be used by a marketer who did choose to do so.²⁷

Serving Facts	
Serving Size	5 fl oz (148 ml)
Servings Per Container	2 ½
Amt Per Serv.	
Calories	120
Carbohydrate	3g
Fat	0g
Protein	0g

Figure 2

Serving Facts	
Serving Size	1.5 fl oz (44 ml)
Servings Per Container	17
Amount Per Serving	
Alcohol by volume	40%
fl oz of alcohol	0.6
Calories	116
Carbohydrate	0g
Fat	0g
Protein	0g

Figure 3

The FTC staff believes that TTB’s proposal is not likely to provide consumers with adequate information about the alcohol content of the products currently available on the market, insofar as it does not mandate disclosure of alcohol content in fluid ounces per serving for all beverage alcohol products. Disclosure of ABV has been available on some beverages for many years, but the FTC staff is aware of no reliable evidence supporting the conclusion that consumers are able to use such disclosures to make decisions about alcohol consumption in light of health authority guidance. Further, under the current proposal, a standard beer with an alcohol content of 4.5 percent and an ice beer with an alcohol content of 6.0 percent could have identical Serving Facts labels. It is unclear, under these circumstances, that consumers would undertake the effort to locate and compare the ABV disclosures that, under the proposed rules, may appear anywhere on the product label.

The FTC staff recommends that TTB consider requiring disclosure of absolute alcohol content on a per serving basis, in lieu of ABV disclosures. Most Americans who drink alcohol

consume products in more than one of the three primary alcohol categories (beer, wine, and spirits).²⁸ TTB has stated that disclosure of absolute alcohol content by serving would “allow [consumers] to compare the quantity of alcohol contained in single servings of different commodities without doing mathematical calculations.”²⁹ The FTC staff agrees. For example, mandatory disclosure of alcohol content per serving could be beneficial for consumers looking at a 12-ounce bottle of 5 percent ABV flavored malt beverage, a 750-milliliter bottle of 40 percent ABV vodka, or a 750-milliliter bottle of 14 percent ABV wine. As proposed by the FTC staff, the labels would give consumers not only the standard serving size for each beverage (12, 1.5, and 5 ounces, respectively), but also tell them the amount of pure alcohol per serving in each of them (0.6 fluid ounces, 0.6 fluid ounces, and 0.7 fluid ounces, respectively), so that they can properly compare the beverages.

Disclosure of alcohol content per serving also would assist those already aware of, and interested in complying with, moderate drinking information as provided by government health agencies, as discussed further below. Thus, the FTC staff recommends that the Serving Facts panel include, below the “per serving” legend, a disclosure of alcohol content in a form such as “pure alcohol content __ fl oz.” or “ethanol content __ fl oz.”³⁰

B. Reference to Recommendations to Limit Alcohol Intake

The U.S. Dietary Guidelines for Americans state that consumers who choose to drink should do so in moderation, defined as no more than “one drink per day for women and up to two drinks per day for men.”³¹ The FTC staff’s comment to the ANPRM recommended that TTB permit marketers to include truthful, non-misleading statements comparing the amount of alcohol in a serving of their product to a standard “drink” or to the 2005 Dietary Guidelines

Recommendations. TTB has concluded, however, that “labeling alcohol beverage products with information about the definition of moderate drinking could tend to mislead consumers, without more specific cautionary information about those individuals for whom even moderate drinking may create health risks.”³²

The research on alcohol intake patterns described in Part II shows that most Americans do, in fact, drink, and that a significant minority of consumers already drink in a manner that is inconsistent with current federal government recommendations. It is not clear, however, that consumers are aware of public health recommendations or are able to compare those recommendations to their own consumption. A label may be an important tool to help consumers follow government recommendations on alcohol intake. As noted in previous FTC staff comments to FDA:

[R]esearch suggests that government regulations and policies on labeling and advertising have a strong effect on the type and amount of health and nutrition information that consumers receive. Labeling and advertising regulations and policies that permit manufacturers to disseminate truthful and non-misleading information about diet and health are likely to lead to better informed consumers, more competition on the health attributes of food, and formulation of healthier products.³³

Further, the most useful label regulations are those that allow manufacturers to put information into context for consumers,³⁴ who benefit most from simple, easy tools to help them decide how a product fits into their diet.³⁵

Thus, the FTC staff recommends that TTB consider alternatives that will permit broader dissemination of information about public health recommendations to limit alcohol consumption.

The current ban on references to the alcohol chapter of the Dietary Guidelines may be overly broad, to the extent that it prohibits truthful and non-misleading information about the importance of limiting alcohol consumption to moderate levels. The most recent public health publications have assumed that a “drink” is one containing about 14 grams, or about 0.6 fluid ounces, of ethanol.³⁶ TTB may wish to consider adopting this definition, and to evaluate whether American consumers could, on balance, benefit from an “intake limit” disclosure such as, “Daily pure alcohol [or ethanol] consumption should not exceed 1.2 ounces for men, and 0.6 ounces for women.” In addition, it would appear appropriate to permit neutral references to health guidance, *e.g.*, such as “Information about alcohol consumption is available online at [website address for Dietary Guidelines].” Such references could provide consumers with more information than they currently possess regarding government recommendations on alcohol intake.

IV. CONSUMER PERCEPTION RESEARCH

TTB’s proposed regulations will result in a substantial change in the appearance and content of alcohol labels. Consumer research, such as copy testing, can provide important information about the effectiveness of proposed disclosures, including whether certain descriptors are sufficiently prominent and made in a format that consumers can understand.

Issues that warrant copy testing include:

- whether consumers are able to identify products with a higher amount of alcohol content per serving, if alcohol is disclosed only in terms of ABV;
- whether consumers are able to identify products with a higher amount of alcohol content per serving, if alcohol content does not appear on the serving facts label;

- whether use of terms such as “ethanol,” or “pure alcohol,” in alcohol content disclosures, would better enable consumers to distinguish the portion of a drink that is pure alcohol, and thus make comparisons among beverages; and
- whether consumers would benefit, on balance, from “intake limit” disclosures such as the FTC staff has proposed in the previous section.

Accordingly, the FTC staff recommends that TTB conduct copy testing of the proposed labels prior to concluding this rulemaking.

V. CONSUMER EDUCATION

Some comments on the ANPRM raised the concern that consumers would be confused or misled by changes in alcohol labels. The FTC staff believes that consumer understanding of the new alcohol labels will be facilitated if TTB engages in consumer education efforts as the new labels begin to appear on the market. In particular, the FTC staff recommends that TTB engage in consumer education about alcohol content disclosures. Regardless of the form in which the disclosures are made, consumers will need help learning how to interpret the disclosures and how to compare the alcohol content of different beverages. Government education efforts are an important part of raising consumer awareness of the health consequences of dietary choices.

VI. CONCLUSION

The FTC staff commends TTB on its proposal to significantly increase the amount of information on alcohol labels. We encourage the TTB to consider the possible changes discussed above, in an effort to help consumers identify products containing lower levels of ethanol and to facilitate compliance with government health recommendations.

Respectfully submitted,

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ENDNOTES

1. Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, *Labeling and Advertising of Wines, Distilled Spirits and Malt Beverages; Request for Public Comment*, 72 Fed. Reg. 41,860 (July 31, 2007) (hereinafter, “NPRM”).
2. *Id.* at 41,871.
3. *Id.* at 41,866.
4. *Id.* at 41,883.
5. U.S. Dietary Guidelines for Americans (2005), Chapter 9, *available at* <http://www.health.gov/dietaryguidelines/dga2005/document/html/chapter9.htm> (hereinafter, “Dietary Guidelines”).
6. *E.g.*, *Allied Domecq Spirits & Wine Americas, Inc.*, 127 F.T.C 368 (1999) (consent order) (prohibiting deceptive “low alcohol beverage” claim for a premixed cocktail containing 5.9 percent alcohol by volume); *Canandaigua Wine Co.*, 114 F.T.C. 349 (1991) (consent order) (prohibiting deceptive low alcohol claims for high-alcohol fortified wine).
7. 15 U.S.C. § 45.
8. *See, e.g.*, P. Ippolito & J. Pappalardo, *Advertising Nutrition & Health: Evidence from Food Advertising 1977-1997* (FTC Bureau of Economics Staff Report) (Sept. 2002); D. Murphy, T. Hoppock & M. Rusk, *A Generic Copy Test of Food Health Claims in Advertising* (FTC Bureaus of Economics and Consumer Protection Staff Report) (Nov. 1998); P. Ippolito & A. Mathios, *Information and Advertising Policy: A Study of Fat and Cholesterol Consumption in the United States, 1977-1990* (FTC Bureau of Economics Staff Report) (Sept. 1996); P. Ippolito & A. Mathios, *Health Claims in Advertising and Labeling: A Study of the Cereal Market*, FTC Bureau of Economics Staff Report (1989).
9. Comments of the Bureau of Economics of the Federal Trade Commission on Use of the Word “Light” (Lite) in the Labeling and Advertising of Wine, Distilled Spirits, and Malt Beverages, BATF Notice No. 659 (Nov. 15, 1988).
10. *See, e.g.*, Comments of FTC Staff in the Matter of Food Labeling; Health Claims; Dietary Guidance (Docket No. 3003-0496) (Jan. 26, 2004), *available at* <http://www.ftc.gov/opa/2004/01/foodlabeling.html>; Comments of FTC Staff in the Matter of Obesity Working Group; Public Workshop: *Exploring the Link Between Weight Management and Food Labels and Packaging*, FDA No. 2003N-0338 (Dec. 12, 2003) (hereinafter, “Weight Management Comment”), *available at* <http://www.ftc.gov/be/v040003text.pdf>; Comments of FTC Staff in the Matter of Food Labeling: *Trans Fatty Acids in Nutritional Labeling*, Docket No. 03N-0076 (Oct. 9, 2003), *available at* <http://www.ftc.gov/os/2003/10/fdafattyacidscommenttext.pdf>.

11. See Comments of FTC Staff in the Matter of Labeling and Advertising of Wines, Distilled Spirits and Malt Beverages, Notice No. 41 (Sept. 26, 2005) (hereinafter, FTC Staff ANPRM Comment), available at <http://www.ftc.gov/os/2005/09/050926tabaccocomment.pdf>.
12. National Institute on Alcohol Abuse and Alcoholism (“NIAAA”), *Alcohol Use and Alcohol Use Disorders in the United States* (2006) (“NIAAA Alcohol Use Survey”) at 31, available at http://niaaa.census.gov/pdfs/nesarc_drm.pdf.
13. W.C. Kerr, et al., *A Drink Is a Drink? Variation in the Amount of Alcohol Contained in Beer, Wine and Spirits Drinks in a U.S. Methodological Sample*, 29 *Alcohol Clin. Exp. Res.* 2015-2021 (2005). In this study, drinks poured by women were found to be slightly larger than men’s.
14. A.M. White, *Do college students drink more than they think? Use of a free-pour paradigm to determine how students define standard drinks*, 27 *Alcohol Clin. Exp. Res.* 1150 (2003); see also, White, A.M., *College students lack knowledge of standard drink volumes: implications for definitions of risky drinking based on survey data*, 29 *Alcohol Clin. Exp. Res.* 631-8 (2005).
15. R.N. Bluthenthal, *Characteristics of Malt Liquor Beer Drinkers in a Low-Income, Racial Minority Community Sample*, 29 *Alcohol Clin Exp. Res.* 402 (2005).
16. L.A. Kaskutas, *An Alternative to Standard Drinks as a Measure of Alcohol Consumption*, 12 *J. Subst. Abuse* 67 (2000) (urban pregnant women at risk of Fetal Alcohol Syndrome underestimated size of beverages they consumed by 30%).
17. J.L. York, et al., *Gender comparison of alcohol exposure on drinking occasions*, 64 *J. Stud. Alcohol*, 790-801 (2003).
18. L.D. Johnston, P.M. O’Malley, J.G., Bachman, & J.E. Schulenberg, *Monitoring the Future National Survey Results on Drug Use, 1975–2006: Volume II, College Students and Adults Ages 19–45* (NIH Publication No. 07-6206) (2007), Figure 4-20b, available at http://monitoringthefuture.org/pubs/monographs/vol2_2006.pdf.

In its major report on the 2001-2002 survey of American alcohol use, published in 2006, NIAAA provided data about both average and binge alcohol consumption among drinkers. When yearly alcohol intake among drinkers was averaged across 365 days, about 21 percent are “moderate” drinkers and 15 percent are “heavy” drinkers. For the purpose of this analysis, moderate drinking men consumed a yearly average of between 0.25 and 1.2 ounces of ethanol/day, and moderate drinking women consumed a yearly average of between 0.25 and 0.6 ounces of ethanol/day. *NIAAA Alcohol Use Survey*, *supra* note 12, at 5 and 21. Within these populations, however, were many consumers who engaged in patterns of periodic binge drinking or drinking to the point of feeling drunk. For example, 30 percent of moderate drinkers engaged in binge drinking between one to 11 times in a year, and 36 percent engaged in binge drinking 12 or more times per year. *Id.* at 43. Similarly, 30 percent of moderate drinkers reported drinking enough to feel drunk one to 11 times in a year, and 29 percent of moderate drinkers reported

drinking enough to feel drunk 12 or more times in the past year. *Id.*

19. *Id.* at Table 4-1.

20. In setting serving sizes for use in connection with alcohol labels, TTB has sought to model the approach set forth in the Federal Food, Drug, and Cosmetic Act, which requires that serving sizes refer to “an amount customarily consumed.” *See* 21 U.S.C. 343(q)(a)(A)(i). For wine, the proposed serving sizes are 5 ounces (for drinks with between 7 and 14 percent ABV); and 2.5 ounces (for drinks with between 14 and 24 percent ABV). For distilled spirits, the serving sizes are 12 fluid ounces (if the beverage has less than 10 percent ABV), 5 fluid ounces (if the beverage has between 10 and 18 percent ABV) and 1.5 fluid ounces (for drinks with more than 18 percent ABV). For beer, the serving sizes are 12 ounces (for drinks with less than 10 percent ABV) and 5 ounces (for drinks with more than 10 percent ABV). The empirical data referenced in the text suggest that the serving sizes proposed by TTB in the NPRM may be smaller than the servings that consumers customarily pour for themselves. As the FTC staff has noted in the context of food labeling, however, serving sizes can have an impact on consumer expectations about appropriate conduct. That is, if consumers understand serving size information to be an indication of how much they should consume, increased serving sizes may have the unintended consequence of increasing consumption. *Weight Management Comment*, *supra* note 10, at 9.

21. *Dietary Guidelines*, *supra* note 5.

22. NPRM at 41,865.

23. *Id.*

24. NPRM at 41,880.

25. For example, a wine could bear a label such as “alcohol 12% by volume,” or “alc. 12% by vol.”

26. NPRM at 41,866.

27. NPRM at 41,878, 41,881. Figure 2 is a proposed label for a 375 milliliter bottle (just over 12 ounces) of 14 percent ABV wine. Figure 3 is a proposed label for a 750 milliliter bottle containing 40 percent ABV distilled spirits. A serving of the wine bearing the label shown in Figure 2 would contain 0.7 ounces of pure alcohol, 16 percent more alcohol than would be provided by a serving of the distilled spirits product bearing the label shown by Figure 3.

28. Multi-sponsor Surveys, Inc., *The 2004 Gallup Study of Changes in Consumers’ Attitudes Toward and Consumption of Alcoholic Beverages* (Aug. 2004). In 2004, 45% of consumers drank beer, 44% drank wine, and 43% drank spirits. *Id.*

29. NPRM at 41,866.

30. As set forth in Part IV, the FTC staff recommends that TTB conduct consumer research prior to adopting the final rules. We further recommend that TTB mandate use of a single term to characterize the pure alcohol content (which could be “alcohol,” “pure alcohol,” or “ethanol,”) to avoid the confusion that could arise if different marketers used different terms.
31. Dietary Guidelines, *supra* note 5.
32. NPRM at 41,869.
33. See FTC Staff Comment In the Matter of Draft Guidance for Industry and FDA Staff: Whole Grains Label Statements, Docket No. 2006-0066 (2006), at 2-3, *available at* <http://www.ftc.gov/os/2006/04/v060014FTCStaffCommentstotheFDAREDocketNo2006-0066.pdf>.
34. *Id.* at 3.
35. *Id.*
36. The FTC’s comment on the ANPRM noted previous inconsistency in public health authority characterizations of the amount of ethanol in a standard drink. FTC Staff Comment on ANPRM, at 6. Since then, however, NIAAA has issued several publications defining a “drink” as one containing about 0.6 fluid ounces of ethanol. See *NIAAA Alcohol Use Survey, supra* note 18, at 5; NIAAA, *Alcohol Screening and Brief Intervention* (2005), *available at* http://pubs.niaaa.nih.gov/publications/Practitioner/pocketguide/pocket_guide.htm; NIAAA, *Patient Education Materials* (2005), *available at* http://pubs.niaaa.nih.gov/publications/Practitioner/CliniciansGuide2005/clinicians_guide13_p_mats.htm. This definition also appears to be consistent with the intent underlying the description of a “drink” in the Dietary Guidelines. They describe a drink as 12 fluid ounces of regular beer, 5 fluid ounces of wine, or 1.5 fluid ounces of 80-proof distilled spirits. Each of these would contain 0.6 ounces of pure alcohol, assuming that the “regular” beer contained 5 percent ABV and the wine contained 12 percent ABV. As noted in the FTC Staff Comment on the ANPRM, however, actual products in the marketplace range significantly in alcohol content.