



## AT THE BAR WITH BOWDITCH

A Legal Blog for the Craft Brewing Community

### FDA's Requirement For Nutritional Labels On Craft Beers Is Sobering, Maybe

BY AIVI NGUYEN • DECEMBER 23, 2015

For the past few years, the Food and Drug Administration (FDA) has been trying to implement a regulation that would require any bar or restaurant that has 20 or more locations to provide the nutritional information for all the food and drinks that it serves. It looks like the regulation will finally go into effect on December 1, 2016.

Most brewers do not fear that consumers will stop consuming if they knew the calorie count of their beers. The vast majority of craft beer drinkers know that the delicious stout they are drinking is not on any approved diet plan. Beer bellies do not come from beers being low in calories.

It is the cost of obtaining the nutritional information that is troubling to some brewers. It has been estimated that testing each batch of beer will cost brewers anywhere between \$300 to \$1,000. While this is chump change to the macro breweries, it can amount to significant costs to the smaller breweries, especially the ones who are constantly coming out with new brews. What is more concerning is it is unclear whether the brewers will be required to test each batch of beer, or if they only need to test the brew enough times to get an estimated nutritional profile. The chatter in the beer community has been that forcing small breweries to incur the cost of testing means that either brewers will provide less beers to the public on tap or that consumer will see price increases.

But perhaps the speculation is a little misguided. Beers made by super small breweries typically are not found at chain restaurants or bars that have more than 20 locations. By definition, these breweries will be able to skirt around the FDA requirements. Similarly, the beers that you usually find at 20+ chain restaurants are from larger breweries who can supply that much beer. It follows that if you are big enough to sell that volume of beer to restaurants, then perhaps the \$300-\$1,000 cost of testing will be inconsequential. While there is the possibility that a small brewery can be on tap at only 1 of the 20 locations of a chain restaurant and in that scenario maybe the FDA requirements will be a burden, those scenarios are probably very few and far between.

This time next year we will be able to see the effects of the FDA regulation. Until then, enjoy the little time you have left

in blissful ignorance of just how many calories you consume in beer. Cheers!