



NEW YORK STATE SENATOR

Joseph A. Griffo

Griffo urges FDA to reconsider new federal guidelines that would hurt small craft beer breweries

JOSEPH A. GRIFFO December 1, 2015

| ISSUE: **REGULATIONS; SMALL BUSINESS; HEALTHCARE**

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UTICA – The U.S. Food and Drug Administration's looming guidelines that will soon require restaurants to list the nutritional values of the beers it sells could threaten the success of New York's smaller craft breweries, State Senator Joseph Griffo stated Tuesday in a letter sent to the federal agency.

If these new guidelines are allowed to take effect next December as planned, any further growth of New York's \$3.5 billion craft beer industry could be stifled, Sen. Griffo's letter states. With some smaller breweries potentially unable to afford the costly nutritional tests to analyze a particular beer, some restaurants may limit the variety of beers they offer or some breweries may be forced to discontinue certain seasonal brands in order to ensure their other beers are sold.

In order to ensure that craft breweries across New York State – including those in the Mohawk Valley – are able compete in the larger beer market, Sen. Griffo strongly urged the FDA to reconsider this troubling mandate.

“The federal guidelines, as stated by the FDA, will put smaller craft breweries at a great disadvantage while offering very little redeeming value, right at a time when this industry is experiencing healthy economic momentum,” Sen. Griffo states in the letter.

Sen. Griffo also sent this letter to federal legislators in hopes of their intervention.

NOTE: The text of Sen. Griffo's letter to the U.S. Food and Drug Administration is provided below, and a PDF of the actual letter is attached:

December 1, 2015

*Acting Commissioner Stephen Ostroff
U.S. Food and Drug Administration
10903 New Hampshire Avenue
Silver Springs, MD 20993*

Dear Acting Commissioner Ostroff:

I would like to express my concerns regarding the FDA-issued guidelines that will soon require chain restaurants and other food service establishments to provide full nutritional information for all beers listed on their menus.

I believe these guidelines would have a particularly negative impact on smaller craft breweries, and I urge the FDA to reconsider this troubling mandate.

In New York State, we have taken significant steps to help foster and strengthen small businesses in the craft beer industry. As a result, by 2013 the craft beer sector had blossomed into a \$3.5 billion statewide industry with more than 200 breweries in operation, more than 11,000 full-time jobs with \$554 million in paid wages, \$277 million in brewery revenue, \$748 million in state and local taxes and \$450 million raised through craft beer tourism.

The FDA's impending guidelines could stifle all the economic growth that New York State has accomplished over the years in developing its burgeoning craft beer industry. Not only will it become extremely costly for smaller breweries to fulfill these requirements, but it could also undercut healthy competition among beer breweries and limit the variety of beers available at various establishments.

The consequences could be far-reaching: Because it can cost \$600 or more for breweries to analyze a particular brew of beer for its caloric value, some craft breweries may have to limit what beers they offer to restaurants for widespread distribution. This expense may also force some breweries to discontinue certain seasonal beers that patrons have come to enjoy. If certain restaurants or food service establishments refuse to sell a particular beer because the brewery cannot afford to test its nutritional value, that could prevent those breweries from ever breaking into a larger market to compete against bigger beer brands. Instead of allowing competition to thrive, these guidelines could instead favor the larger breweries that can afford these new costs.

I have a number of breweries in my district, and I know their passionate owners are trying their best to grow like any other business and offer a quality product that people want to buy. And, it should be noted that the caloric or nutritional value of a particular beer is often of little concern to anyone who favors these types of beverages – what often matters most is variety, and taste.

The federal guidelines, as stated by the FDA, will put smaller craft breweries at a great disadvantage while offering very little redeeming value, right at a time when this industry is experiencing healthy economic momentum. I strongly encourage you to reconsider these guidelines.

Sincerely,

Joseph A. Griffo

New York State Senate, 47th District

CC: U.S. Senator Charles Schumer; U.S. Senator Kirsten Gillibrand; U.S. Representative Richard Hanna; U.S. Representative Elise Stefanik

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