The recent paper entitled “Preserving policy space for alcohol health warnings in the Trans-Pacific Partnership Agreement” by Dr. Deborah Gleeson attempts to create an issue in the TPP negotiations where one does not exist. The author's protestations that the TPP and the TBT Agreement serve to prevent or limit the ability of governments to require health-warning statements on alcohol beverage labels are patently wrong. The poorly veiled purpose of the paper (we understand she may be a recipient of funding from the Foundation of Alcohol Research and Education) is to try to preserve the ability for proponents of the so-titled FARE alcohol warning labeling protocol to press for its adoption in TPP-signatory countries.

First, it is important to understand that neither the TBT Agreement nor the 2007 World Wine Trade Group "Agreement on Requirements for Wine Labeling" prohibit or even address the use of health warning labels.

Specifically, with respect to the WWTG Labeling Agreement, the author claims “The WWTG Agreement already arguably sets some limitations on the use of health warnings on alcohol...” However, the WWTG Labeling Agreement is limited to wine and does not address health-warning statements. The Labeling Agreement is primarily focused on permitting manufacturers to place four common mandatory requirements in the same field of vision. These common mandatory elements include country of origin, product name, net contents and actual alcohol content.

Article 5.4 of the Labeling Agreement specifically provides “Nothing in this Agreement shall in any way prevent a Party from taking measures for the protection of human health and safety, provided such measures are in accordance with the provisions of the WTO Agreement.” Not only does this provision recognize the right of governments to require health warnings, signatories to the Agreement already required health warnings prior to the Agreement's signing.

The author would also like TPP Negotiators to believe that the WWTG Labeling Agreement limits the use of health warning labels based on Article 10.2, which prohibits signatories from restricting the placement on National Mandatory Information. The assertion is incorrect. Article 10.2 does not restrict National Mandatory information from including the use of warning labels, whether such warnings are vertical or
horizontal. It does not even restrict rotating warning labels. Her argument that the Agreement prevents implementation of a FARE warning on the front of the bottle misses the point: under the WWTG Agreement, there is no front of the bottle, only a single field of vision for common mandatory information.

The purpose of the WWTG Labeling Agreement is straightforward, “...to limit unnecessary labeling related trade barriers with the objective of facilitating international trade.” The author’s primary complaint is not with the Labeling Agreement but rather the fact that the WTO, TBT Agreement and WWTG Agreement all require Members to provide objective empirical evidence that justifies the establishment of a national health warning regime which results in international trade disruption. In effect, she seeks to have Negotiators repudiate the underpinnings of the WTO system to allow Members to ignore the TBT Agreement when instituting an alcohol health-warning regime.

It appears that the main purpose of the paper is to influence Trans Pacific Partnership participants to reject any trade liberalization for alcohol products and abandon evidence based support for trade restrictive measures. This is a terrible precedent and is contrary to the provisions of the WTO, TBT Agreement and WWTG Labeling Agreement.

For these reasons, the WWTG industry section strongly urges TPP Negotiators to recognize and reject the agenda that the author advocates.

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