

May 5, 2016

Retailers & Tasting Rooms Must Post New Warning Signs on Bisphenol A (BPA)

This is a notice to members about new emergency regulations issued by the California Office of Environmental Health Hazard Assessment (OEHHA) which require manufacturers, including wineries, to warn consumers about a newly-listed chemical called bisphenol A (BPA). Since the emergency regulations were issued in late April 2016, Wine Institute has been advocating that OEHHA interpret the regulations in a practical manner that causes the least disruption possible to our members' business activity. We just received information on key aspects of implementation this week.

Proposition 65 Background

Proposition 65 (Prop 65) is a state ballot initiative intended to protect California citizens and the state's drinking water sources from chemicals known to cause cancer, birth defects or other reproductive harm, and to inform citizens about exposures to such chemicals. OEHHA is the state agency that identifies and lists chemicals for which a warning is required. Alcohol has been on the Prop 65 list for decades. For alcohol beverages, including, without limitation, beer, malt beverages, wine and distilled spirits, OEHHA requires this warning: **WARNING:** Drinking Distilled Spirits, Beer, Coolers, Wine and Other Alcoholic Beverages May Increase Cancer Risk, and, During Pregnancy, Can Cause Birth Defects.

BPA Listing

OEHHA has recently listed BPA as a female reproductive toxicant under Prop 65. BPA has been used in food and beverage packaging and in other products for many decades. It is commonly used in the protective linings of food and beverage cans and container enclosures, such as synthetic corks, plastic liners in bags, plastic liners in screw caps and can linings. Because BPA is found in packaging and closures, it is not covered by the current Prop 65 warnings.

BPA Warning

As of May 11, 2016, anyone who manufactures, imports or distributes in California a product containing BPA must provide a Prop 65 warning to consumers. The warning will cover fruits, vegetables, soups, pasta products, milk, soda, and alcohol beverages packaged in hermetically sealed, durable metal or glass containers, synthetic corks, plastic liners in bags, plastic liners in screw caps and can linings.

WARNING: Many food and beverage cans have linings containing bisphenol A (BPA), a chemical known to the State of California to cause harm to the female reproductive system. Jar lids and bottle caps may also contain BPA. You can be exposed to BPA when you consume foods or beverages packaged in these containers. For more information go to: www.P65Warnings.ca.gov/BPA.

Retailers and tasting rooms are required to post these 5"X 5" signs at the point of sale or checkout counters (e.g., one at each cash register). [A PDF of the warning sign is available by clicking here.](#)

Notice to Retailers

To comply with the retailer notice requirement, Wine Institute, in conjunction with other trade associations, has established a Proposition 65 BPA warning signage program. On behalf of all Wine Institute members, we have recently mailed approximately 87,000 notices to California retailers, including winery tasting rooms. The notice will advise retailers that warning signs are available to order, free of charge, from www.prop65signmanagement.com. Retailers and tasting rooms are required to post the signs **before May 11, 2016**.

Internet Wine Sales

OEHHA emergency regulations also require that a BPA warning be posted prior to a California consumer purchase of wine via the Internet. The warning should be visible to consumers at the check-out point on winery websites.

Product Identification

OEHHA's emergency regulations require that manufacturers provide written notice of the name or description of canned or bottled foods or beverages that may expose consumers to BPA. Notification through a trade association is permissible eliminating the need for every winery to provide notice identifying all of its products. The joint trade association signage management group has created a separate "Product Identification" website which directs consumers to the Wine Institute website and winery member link carrying the following notice: "If you have any questions regarding a specific wine(s), please email BPAWarning@wineinstitute.org." If a consumer contacts Wine Institute for

information on an individual member's product, we will refer the consumer to the member for follow-up.

Please contact Wine Institute General Counsel Tracy Genesen at tgenesen@wineinstitute.org or [\(415\) 356-7531](tel:4153567531) with any questions.



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