



New York Association of Convenience Stores
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September 23, 2005

Chief, Regulations and Procedures Division
Alcohol and Tobacco Tax and Trade Bureau
P.O. Box 14412
Washington DC 20044-4412

RE: Notice No. 41

Dear Chief:

I write on behalf of the New York Association of Convenience Stores, a private not-for-profit trade association representing the interests of more than 5,000 neighborhood mini-marts and convenience stores licensed by the State of New York to responsibly sell beer to adult customers for off-premise consumption.

Among the regulatory changes proposed in Notice No. 41 is altering the requirement for labeling alcohol content on beer bottles and cans. Abandoning the longstanding federal policy of displaying the percent alcohol by volume ("proof"), the Bureau would direct brewers to instead display fluid ounces of pure alcohol per "standard serving."

We share the beer industry's concern that expressing alcohol content in this fashion would mask the significant differences in strength, concentration and effect between liquor, wine and beer. There is no such thing as a "standard serving" of liquor or mixed drinks. Misleading consumers into believing that all types of alcohol beverages are the same would hinder, rather than promote, responsible drinking.

NYACS views percent alcohol by volume as the most sensible method of expressing alcohol content on beer labels, and recommends the Bureau keep it that way in the interest of continuity and clarity. Thank you for keeping our views in mind.

Sincerely,

A handwritten signature in black ink, appearing to read "James S. Calvin", written over a circular stamp.

James S. Calvin
President