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August 19, 2005

William H. Foster, Chief  
Regulations and Procedures Division Alcohol  
and Tobacco Tax and Trade Bureau P.O.  
Box 14412  
Washington, D. C. 20044-4412

ATTN: Notice No. 41

Dear Mr. Foster:

This letter is in regard to Notice No. 41 where the TTB is seeking public comment on whether additional requirements should be added to current alcohol product labels. I oppose any efforts that would include "standard serving" information or an oversimplified listing of the amount of pure alcohol on label or advertising. My primary area of concern relates to how the amount of alcohol in a product should be communicated.

On the question of alcohol content, I support continuing the long-standing federal policy of using the percent of alcohol by volume, or proof, as the only appropriate way to describe alcohol content. I strongly oppose the proposals to display alcohol content in terms of fluid ounces of pure alcohol per "standard serving." I feel this misguided attempt would cover up the significant differences in strength, concentration and effect between liquor, wine and beer. Referencing alcohol content in this way would be misleading and potentially dangerous and would hinder, rather than promote, responsible drinking. I believe that continuing the long-standing and meaningful measure of the percentage of alcohol by volume is in the best interests of consumers and the public.

In addition, TTB should recognize there is no such thing as a "standard serving" and this too should not be permitted on any alcohol labels or advertising. While "serving size" is fairly common for beer, it varies widely for hard liquor. Different measuring jiggers for hard liquor contain anywhere from 1 to 3 fluid ounces and most mixed drinks are "free poured." I do not believe that there are many people who could define a "standard serving" for ports, sherries, liqueurs, fortified wines and other less-common alcoholic beverages.

William H. Foster  
Alcohol and Tobacco Tax and Trade Bureau

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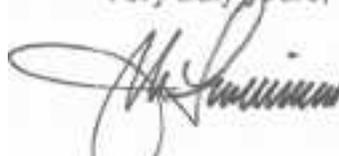
Looking at the "top 10" hard liquor drinks on popular mixed drink web sites like Happy-Hour.net, Barfliers, cam. and DrinkNation.com, confirms that the average drink contains 75% more alcohol than the hard liquor industry's so-called "standard drink." In fact, drinks like a Mohito, Mai-Tai, Martini or Long Island Iced Tea contain significantly more alcohol than a "standard 1.5 ounce serving."

Further, state law and regulations will be negatively impacted by an effort to allow absolute alcohol per standard serving information on a label Labeling the percentage of alcohol is the proper policy. Thus, changes in this area could put companies at risk of violating state laws.

I ask that you do not support this misleading effort that will ill serve the public good and cause more public confusion, not less.

Your attention to this matter is greatly appreciated.

Very truly yours,

A handwritten signature in black ink, appearing to read "John A. DeFrancisco". The signature is written in a cursive style with a large, sweeping initial "J".

John A. DeFrancisco  
State Senator

JAD/cl